STATE OPENING AND FIRST MEETING
OF THE 1983 SESSION OF THE LEGISLATIVE ASSEMBLY
HELD THURSDAY, 17TH FEBRUARY, 1983

PRESENT WERE:

HON DENNIS E FOSTER, CBE, JP - PRESIDING

GOVERNMENT MEMBERS

HON MICHAEL J HAGGART, CBE	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION
HON THOMAS C JEFFERSON	FIFTH 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 CARLTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN FRANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR 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 NORMAN BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CRADLOCK L MYRTLE	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
CAPT MARRY S MCLAUGHLIN	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
MR CRADLOCK BRANKS, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDER OF PROGRAMME

FOR

17TH FEBRUARY, 1983

10:25a.m. Members of the Legislative Assembly and members of the general public seated.

10:30a.m. Hon. D.H. Foster, CBE, JP. senior official member presiding.

The Clerk of the Legislative Assembly will read the proclamation summoning the Legislative Assembly.

The Presiding Officer will ask the Minister to say prayers.

The Minister will say prayers.

The Presiding Officer will announce that Her Majesty The Queen desires to address the Legislature and will suspend the sitting.

The sitting will be suspended for a short while.

10:40a.m. Her Majesty The Queen and His Royal Highness arrive at the Legislative Assembly building.

Her Majesty takes up position between Gate and Guard-of-Honour, attended by Commissioner of Police and Equerry-in-Waiting to Her Majesty.

Royal Salute. National Anthem. Royal Standard raised. Guard Commander reports to Her Majesty. Twenty-one gun Salute.

Her Majesty inspects Guard-of-Honour, accompanied by Guard Commander and followed by Commissioner of Police and Equerry-in-Waiting to Her Majesty.

10:45a.m. Her Majesty and His Royal Highness mount dais and enter Legislative Assembly building. Met by Serjeant-at-Arms.

Procession forms up inside Legislative Assembly building before entering Chamber:

Serjeant-at-Arms

Her Majesty The Queen and His Royal Highness The Duke of Edinburgh

His Excellency the Governor and Mrs. Lloyd

Sir Philip Moore and Lady Abel Smith

Serjeant-at-Arms announces Her Majesty's arrival. Those in procession enter Chamber and take seats.

Her Majesty reads the Speech from the Throne.

10:55a.m. (approx.) After the speech, Her Majesty and His Royal Highness withdraw from the Chamber, preceded by Serjeant-at-Arms and followed by His Excellency The Governor and Mrs. Lloyd, Sir Philip Moore and Lady Abel Smith.

They retire to the President of the Assembly's room.

11:00a.m. Members of the Legislative Assembly join Her Majesty and His Royal Highness in the President's room for refreshments.

11:45a.m. Her Majesty and His Royal Highness come out of the Legislative Assembly building once more, followed by His Excellency The Governor and Mrs. Lloyd, Sir Philip Moore and Lady Abel Smith.

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THURSDAY 17TH FEBRUARY, 1983.
10:00 A.M.

HON. D.H. FOSTER: Please be seated.

CLERK: PROCLAMATION NO.2 OF 1983
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 48 of Schedule 2 of the Cayman Islands (Constitution) Order 1972, it is provided that the session of the Legislative Assembly shall be held at such time and place as the Governor may from time to time by Proclamation appoint.

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, 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 Thursday the 17th February, One Thousand Nine Hundred and Eighty Three.

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

GOD SAVE THE QUEEN.

HON. D.H. FOSTER: I will now ask the Minister to say prayers. Will you all stand.

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.

We thank Thee today for the visit of the Royal Party, and for this joyous moment in the life of our Islands when we can share our achievements with them. May this occasion serve to strengthen the ties that bind us to that system of Justice, Law and Liberty which has evolved from the Mother country, and which is established throughout the Commonwealth of nations. May our Queen and Prince sense our heart-felt affection and Loyalty, keep them safe we pray, as they continue the tour now underway.

We pray that you will 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

HON. RALPH PICKERING (CONTINUING): Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high offices.

All this we ask for Thy great Name's sake, and as our Saviour Christ has taught us, let us pray the Lord's prayer together.

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

HON. D.H. FOSTER: Please be seated.

Honourable Members, I am to inform you that Her Majesty the Queen desires to address the Legislative Assembly and accordingly I will suspend the sitting for a short time.

HOUSE SUSPENDED

HER MAJESTY QUEEN ELIZABETH II AND HIS ROYAL HIGHNESS DUKE OF EDINBURGH ENTER CHAMBER

HER MAJESTY QUEEN ELIZABETH II: Please be seated.

The Cayman Islands are one of the very few territories in the Commonwealth which I have not previously been able to visit during My reign and My Husband and I are therefore delighted to be with you here today. It gives me special pleasure to be able to open the Legislative Assembly and to deliver My speech in person.

Although small in size and population, these Islands have forged ahead and are now a progressive and prominent community in the Caribbean region.

I was much moved by the message of loyalty and support sent to me by His Excellency the Governor at the time of the Falkland Islands conflict and also by the generous donation of pounds sterling 200,000 from the Government and people of these Islands for the South Atlantic Fund.

During this year efforts will continue to maintain the high level of cooperation and confidence between Government and the private sector so that economic development may continue at a steady pace.

Further investment in infrastructure in Cayman Brac and Little Cayman will lay a firm foundation for the orderly economic development of the Sister Islands.

My Government will continue to strengthen the Police Service through training programmes and to maintain the reputation of the Service as one of the most efficient in the region.

During this year new legislation will be enacted and amendments made to existing laws. A committee is at present studying the British Nationality Act 1981 with a view to advising on necessary changes in the Caymanian Protection Law.

The newly instituted Legal Studies Course will provide the necessary training for capable young people to launch out on a legal career.

Although the topography of the Islands limits mechanical farming, the Agricultural Department, through its demonstration farm and veterinary services, will continue to encourage the efforts of farmers in the areas in which conditions are suitable to reduce the Islands' dependence on imported foodstuffs. The unrelenting fight against the mosquito will continue so that life in these Islands will be more pleasant and healthy.

HER MAJESTY QUEEN ELIZABETH II (CONTINUING):

Health Services, especially hospital facilities, public health and the staffing and training of medical and para-medical personnel, will be strengthened.

The need for a public supply of drinking water has long been recognised, and to this end the Water and Sewerage Project has been initiated. Legislation providing for a Water and Sewage Authority has been passed by the Legislative Assembly.

Education continues to receive a large portion of the budget allocation. In this year training will continue in all areas. Much effort is being applied in the area of special education of the mentally and physically handicapped and specialists and consultants are now developing a programme. There is a growing awareness of the needs of youth and old age and My Government will continue to work with the Churches, Service Clubs and the National Council of Social Services to meet these needs. I am looking forward later today to opening The Pines Retirement Home.

The Probation and Welfare Services have been strengthened by recruiting further trained personnel and I am grateful to Sweden for their help over the past years in this important area of social service.

Airport facilities are to be further upgraded because of the great importance of the Islands as a tourist resort and financial centre. New lighting of the runways of these Airports, a new control tower at Grand Cayman and new terminal buildings in the two largest Islands are among the improvements planned for the immediate future.

My Government will continue to assist the tourist industry by providing improved hotel and trade training, thus enabling the industry to attain the standards of service required in this very competitive field.

The Fire Services have recently completed the training of Emergency Medical Technicians who in cooperation with the other emergency services will offer immediate medical attention to those involved in accidents or a major disaster.

Much new national land gave by the Public Works Department which has a full programme for 1980, including further road development, airport engineering work and the construction of new buildings. I was much impressed by the new road linking North Side to East End which I opened yesterday.

Postal Services continue to improve. My Government are grateful to the Universal Postal Union, the Commonwealth Fund for Technical Cooperation and the British Postal Consultancy Services for their part in assisting with this service.

I wish to express my thanks to the Civil Service which over the years has developed into a body of which the country can be justly proud. My Government are appreciative of the many officers from the United Kingdom who have served the Islands and trained local officers as their replacements.

My Government are pleased with the friendly relations that exist between the Cayman Islands and the surrounding territories, and appreciate the availability of facilities in the USA to the residents of these Islands. United Kingdom agencies also provide technical aid and consultancy services to projects here.

Mr. President and Members of this Honourable House: Prince Philip and I have been very touched by the warmth of the welcome given to us by the people of the Cayman Islands. We shall take away with us the happiest memories of our visit. I pray that the blessings of Almighty God will continue to rest on the Government and people of these Islands.

HER MAJESTY QUEEN ELIZABETH II AND HIS ROYAL HIGHNESS DUKE OF EDINBURGH LEAVE CHAMBER

MR. PRESIDENT: I now call for a motion for an adjournment of the House.

ADJOURNMENT

MOVED BY: HON. MICHAEL J. BRADLEY.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED UNTIL MONDAY 21ST FEBRUARY, 1963 AT 10:30 A.M..

STATE OPENING AND FIRST MEETING
OF THE 10TH SESSION OF THE LEGISLATIVE ASSEMBLY

(SECOND DAY - MONDAY, 21ST FEBRUARY, 1983)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, G PETER LLOYD, CMG

GOVERNMENT MEMBERS

HON DENNIS H PORTER, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J VIVIAN, 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 STEPHEN M BONNER	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M MUDGEON	MEMBER FOR TOURISM AVIATION AND TRADE
HON G VALD DONOVAN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

** MR J HARRISON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR T DALMAIN EVANS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR PERSON O EVANS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR B BOWMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ALMIRE HURLSTON PARSONS, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS
CAPT MABEL E KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS
MR MCKEEVA BUSH, OBE, JP	ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF NORTH SIDE

* (Speaking at 10:45 a.m.)

** Absent in the afternoon session.

ORDERS OF THE DAY

SECOND DAY - MONDAY, 21ST FEBRUARY, 1983

1. REPORT OF FINANCE COMMITTEE
(Meeting held Thursday, 1st February, 1983)
TO BE LAID ON THE TABLE BY THE THIRD OFFICIAL MEMBER THE HONOURABLE FINANCIAL SECRETARY.

2. QUESTION:-

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS:

NO. 1: WILL THE MEMBER STATE HOW MANY BURGLARY, ARSON AND DRUG OFFENCES WERE COMMITTED FOR THE MAIN YEARS?

NO. 2: WOULD THE MEMBER SAY WHAT LAW THERE IS AGAINST BACKPACKERS ENTERING THE ISLANDS?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 3: WILL THE MEMBER STATE WHETHER GOVERNMENT HAS ANY PLANS FOR THE IMPROVEMENT OF THE PUBLIC AREAS ON THE WEST BAY ROAD?

3. GOVERNMENT BUSINESS:

BILLS:

(a) The Strata Titles Registration (Amendment) Bill, 1983 - FIRST & SECOND READINGS
(b) The Traffic (Amendment) Bill, 1983 - FIRST & SECOND READINGS
(c) The Summary Jurisdiction (Amendment) Bill, 1983 - FIRST & SECOND READINGS
(d) The Police (Amendment) Bill, 1983 - FIRST & SECOND READINGS
(e) The Restriction on the supply of petroleum to Southern Rhodesia (Repeal) Bill, 1983 - FIRST & SECOND READINGS
(f) The Firearms (Amendment) Bill, 1983 - FIRST & SECOND READINGS
(g) The Development and Planning (Amendment) Bill, 1983 - FIRST & SECOND READINGS

(i) The Strata Titles Registration (Amendment) Bill, 1983 - COMMITTEE STAGE
(ii) The Traffic (Amendment) Bill, 1983 - COMMITTEE STAGE
(iii) The Summary Jurisdiction (Amendment) Bill, 1983 - COMMITTEE STAGE
(iv) The Police (Amendment) Bill, 1983 - COMMITTEE STAGE
(v) The Restriction on the supply of petroleum to Southern Rhodesia (Repeal) Bill, 1983 - COMMITTEE STAGE
(vi) The Firearms (Amendment) Bill, 1983 - COMMITTEE STAGE
(vii) The Development and Planning (Amendment) Bill, 1983 - COMMITTEE STAGE

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MONDAY, 31ST JANUARY, 1983

10:00 A.M.

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

Honourable Members, if I may, I should like at this point, which I understand from Standing Order 14(1) to be the appropriate point in the proceedings, to read you a message. I received it last Friday from Sir Philip Moore, the Queen's Private Secretary, and although it has subsequently been broadcast so that many of you may have heard it others may not yet have had an opportunity to do so. Its text is as follows:-

> "I wrote to you yesterday, but since we do not have an outward bag for several days I thought you would like to have the last word".
>
> This is the telex message -
>
> "The Queen has asked me to convey to you and to Her Government and the people of the Cayman Islands the warm appreciation of Her Majesty and the Duke of Edinburgh, for the wonderful reception which they received during the last two days. Her Majesty and His Royal Highness were very touched by the demonstration of loyalty and affection by the people of the Cayman Islands and they have taken away with them the happiest memories of an outstanding visit.
>
> The message which you sent to the Royal Aircraft was greatly appreciated. The Queen had been looking forward for a long time to Her first visit to the Cayman Islands and in the event Her expectations were more than fulfilled. Her Majesty was very conscious that a tremendous amount of work and trouble had been taken to make the preparations for Her visit and it was clear that a great deal of this had been done through the voluntary effort of many people in the Islands. All arrangements for the visit worked perfectly and in particular it was a great joy to the Queen and the Duke of Edinburgh to meet so many people during their walkabouts which were so excellently organised. I should be grateful if you would convey the appreciation of Her Majesty and His Royal Highness to all those in the Cayman Islands who worked so hard to ensure the success of their visit.
>
> The speech this morning by Miss Annie Bodden was very moving and clearly summed up perfectly the feelings of the people of the Cayman Islands. It was an occasion which Her Majesty and His Royal Highness will always remember.
>
> The Queen and the Duke of Edinburgh have also asked me to thank everyone for the lovely presents which they were given today. These will be a constant reminder of a very happy two days in the Cayman Islands.
>
> All good wishes.
> Philip Moore".

MR. CRADDOCK BODDEN: Mr. President, would it be possible for Members to get a copy of this?

MR. PRESIDENT: I am sure it would be possible and I will arrange it.

Perhaps I may add a few words of my own. First to thank everyone of you for helping to ensure that the visit would be a success. As you will recall we discussed and planned the outline programme for it together and all of you all shared in recommending the general form which it eventually took and I am sure that the entire community welcomed the way it afforded everyone in Grand Cayman

MR. PRESIDENT (CONTINUING): ... and many from the sister Islands too an opportunity to see Her Majesty and the Royal Highness. Second, may I express particular gratitude to the three Honourable Members whom you selected as your representatives to oversee more detailed planning; the Second Elected Member for George Town, the First Elected Member for the Lesser Islands and the Member for North Side. They met from time to time under the chairmanship of the Chief Secretary and could always be depended upon to offer wise advice. Third, to congratulate the Third Elected Member for George Town who, at your suggestion, presented the gift from the Government and people to Her Majesty. Your choice proved most happy for the Member's moving speech clearly reflected the views of the large audience which participated it so vigorously and was described by one of the Royal Party as the finest speech of the kind that he had ever heard. Fourth, to congratulate also the Chief Secretary upon the honour which Her Majesty was pleased to bestow upon him. Nobody could have done more to deserve it for he took endless trouble and worked endless hours to ensure that no detail, however minor, was overlooked and the results spoke for themselves. I am sure you will all wish to join me in paying tribute to him and will be as delighted as I am that his efforts were so fittingly recognised.

Finally, I have already broadcast a message thanking everyone who contributed in one way or another to the preparations for, or the organisations during the visit. If I do not repeat now what I then said it is simply because I think it proper when speaking to the Assembly to single out the contributions made by Honourable Members. Thank you.

Questions. The Second Elected Member for West Bay. Oh, I am so sorry; my apologies - Report of Finance Committee, the Financial Secretary.

REPORT

FINANCE COMMITTEE

HON. T. C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Report dated the 1st of February, 1983.

MR. PRESIDENT: So ordered.

HON. T. C. JEFFERSON: Mr. President, the Meeting of Finance Committee covered four subjects. First, revision of shipping. This matter was discussed in detail and it was agreed to reserve the opinion of Finance Committee until the visit of the Marine Division Personnel of the United Kingdom Department of Trade.

Second, Owen Roberts International Airport. The Committee agreed that the airport project should now be put to tenders; that a project officer be appointed to oversee the expenditure of this project and other capital projects as well. The Committee also agreed that the Cayman Islands Government secure a loan of US$5 million from the Caribbean Development Bank for this purpose.

Item number three the Cayman Islands Government London ... office. It was agreed in principle to the extension of the London office until the 30th of June, 1985; that the existing lease should be approved until September, 1984; and that Mr. Thomas Russell's contract be renewed for a further two years until the 30th of June, 1985.

The last item, Mr. President, dealt with the Cayman Turtle Farm. Based on the information received from the General Manager of the Turtle Farm, Government agreed to heat the water in the turtle tanks from the provision in the 1983 Estimates under Head 18, Sub-Head 7.

Thank you, Mr. President.

MR. SPEAKER: In accordance with paragraph (4) of Standing Order 27 the House is deemed to have agreed to the motion. Questions, the Second Elected Member for West Bay.

QUESTIONS

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 1: Will the Member state how many burglary, arson and drug offences were committed for the year 1982?

ANSWER: For the year 1982 there were 432 burglaries reported of which 76 were false and 30 found to be vandalism which cotton and therefrom 326 true cases of burglary were reported, 74 cases of arson and 149 drug arrests.

SUPPLEMENTARY

MR. D. DALMAIN EBANKS: Supplementary, Mr. President. Could the Member say how many of these cases were committed in the West Bay district?

HON. DENNIS E. FOSTER: No, Mr. President, not at this time, but the full crime statistics are in the process of being produced now for the 1983 Annual Police Report and will shortly be available and I will see that the Member gets a copy of that, Sir.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND ECONOMIC AFFAIRS.

NO. 2: Would the Member say what law there is against pornography entering the Islands?

ANSWER: There is no law.

SUPPLEMENTARIES

MR. D. DALMAIN EBANKS: Supplementary, Mr. President. Could the Member explain why the import of pornography came about?

HON. DENNIS A. FOSTER: Mr. President, although there is no law there has been a clear policy laid down by this Government that persons whose appearance and dress exhibit wearable items of bizarre and masturbatory should not be permitted to land here, Sir. I think the policy is a correct one and that is why we have been able to keep the Cayman Islands as clean as we have up to this point. However, Sir, if it is the desire of the Members of this House not to continue on that policy and instead to make legislation for it and they choose to recommend that, Sir, I am sure the House will go along with it.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, will the Member assure this House that he will bring proper legislation to this Honourable House banning these masturbating penis looking in our territory?

HON. DENNIS E. FOSTER: Mr. President, if it is the wish of the House, Sir, we will certainly bring something although the Second Official Member has explained to me it is quite difficult to do legislation defining certain types of people. We will certainly bring something if it is the wish of the House to agree to the policy laid down by Government, Immigration can continue to carry it out. However, if the House wishes legislation, Sir, we will certainly bring it forward.

MR. D. DALMAIN FRANCO: Mr. President, I would go further to say not just the Postaffirmative, but also the Members.

HON. DENNIS H. FOSTER: I have noted that, Sir.

MR. CHADDOCK EVANS: Mr. President, one supplementary. Is there any reason why legislation cannot be brought to this House prohibiting any undesirable in this country?

HON. DENNIS H. FOSTER: There is legislation, Sir, now under the Caymanian Protection Law (Revised) prohibiting any persons who in the opinion of the Immigration officer is undesirable. That legislation is there now and they have that discretion there, Sir.

HON. RICHARD J. BRADLEY: Mr. President, with your permission even though it is not strictly a supplementary question, I should like your indulgence to speak on this matter.

There is a problem in trying to put in legislation form the views of the Members because I would draw Members attention to Royal Instruction 1972 and Penal Instructions number 8 - (although it does not prohibit absolutely) - contains restrictions upon any [illegible] persons of any community or religion may either be subject to or made liable to disabilities or granted advantages. The difficulty in trying to put before this House legislation which would give effect to the current administrative practices carried out by the Immigration Department would require, Sir, a lot of careful thought.

In my opinion, in this territory as in any other country, Immigration is to a large extent because of these difficulties the subject of administrative and executive action; and if it is the wish of the House that certain classes of people by reason of their mode of dress or otherwise be restricted entrance, we have good reason administratively to carry it out at the moment. If we seek to place it in legislation we may have problems.

MR. FRANKLAND: If there no further supplementary, perhaps we can move on to question number three.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE MEMBER REPRESENTING THE EXECUTIVE COUNCIL RESPONSIBLE FOR IMMIGRATION LAWS ARE NATURAL RESOURCES.

NO. 3: Will the Member state whether Government has any plans for the improvement of the Public Beach on the West Bay Road?

ANSWER: Yes.

SUPPLEMENTARY

CAPT. CHARLES L. KIPKONNELL: Mr. President, could the Member advise what the plans are for improving the Public Beach at West Bay?

HON. JOHN B. MCLEAN: Mr. President, a license was granted to the Diver Club to petition of the Coast Club for future development of the Public Beach. A number of schemes, hon-h-wn. this, previous disposal mine along with parking facilities and sanitary facilities will be considered.

MR. PRESIDENT: If there is no further supplementary question we can move on to Item number three in today's Order Paper.

THE STRATA TITLES REGISTRATION (AMENDMENT) LAW, 1995

FIRST READING

CLERK: THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1995.

MR. PRESIDENT: A Bill entitled A Bill for a Law to Amend the Strata Titles Registration Law, 1972 to be deemed to have been read a first time and to set down for second reading.

SECOND READING

CLERK: THE STRATA TITLES REGISTRATION (AMENDMENT) BILL, 1995.

HON. JOHN B. MCLEAN: Mr. President, I beg to move the second reading of a Bill entitled A Bill for a Law to Amend the Strata Titles Registration Law, 1972 (Law 14 of 1972).

Mr. President, this Bill should have been before the House at the last Sitting, however, it was impossible and at this time I am happy to propose the amendments.

In order to allow for office accommodation, shops and warehouses to be sold as strata lots this amendment is quite necessary. There are considerable amounts of offices, shops and warehouses developments under construction which are in the final planning stages. A considerable amount of revenue will be derived from stamp duty upon transfer of these strata lots. It is also considered that an increase the number of units from two to not less than four in the first that each strata lot is governed by By-laws laid down by the strata corporation and be considered inexpensive to have a development with less than two strata lots.

Mr. President, this is a very minor amendment yet very important and I am asking all Members for their support.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Strata Titles Registration Law, 1972 be given a second reading. The Motion is open for debate.

If no Member wishes to speak .....

MR. BALSON C. PARKER: Mr. President, I was hoping somebody would speak before I did, but rather than to make the debate close without raising a very obvious question I rise at this time to make a contribution.

The proposed amendment specifically excludes any part of an hotel and I am wondering really the reasoning behind the exclusion of an hotel. I would have thought that the honourable Member in presenting the Bill would have elaborated on that

HON. BENSON C. HARRIS (CONTINUING): ...assert.

... I understand it the state's lot concentration of hotel ownership is getting predominantly in South American and elsewhere; and since it appears that the Cayman Islands could use a large hotel, and bearing in mind that the normal lot approach might enable the hotel to be built, I am questioning why hotels are excluded from the Bill.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. President, this could be gone into with more particularity in the committee stage. But generally speaking the reason for it is that it is desired to make it quite clear what we are trying to establish a condominium ... condominium which is to be established in a minimum number of units and that you cannot count in that calculation any number of residential units which form a part of an hotel for the purposes of qualifying for a licence under the Liquor Licensing Law or in respect of other matters. So it is not enough in any way to prevent people developing a condominium enterprise which can have houses which can have rooms which are used for hotel purposes for an hotel. It merely seeks to establish that a definition of an hotel and of a strata title are mutually exclusive.

MR. PRESIDENT: If no other Member wishes to speak I will put the motion if he wishes to exercise his right of reply?

HON. JOHN B. MCLEAN: Mr. President, just to think the Third Elected Member for West Bay for that very reason that point and I hope when we get into committee stage we will be able to thrash that out.

MR. SPEAKER: The Motion is that a Bill entitled *A Bill for a Law to Amend the Motor Vehicle Registration Law, 1973* be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE TRAFFIC (AMENDMENT) LAW, 1983

FIRST READING

CLERK: The Traffic (Amendment) Law, 1983.

MR. PRESIDENT: A Bill entitled *A Bill for a Law to Amend the Traffic Law* is deemed to have been read a first time and is set down for a second reading.

SECOND READING

CLERK: The Traffic (Amendment) Law, 1983.

HON. C. RAE EDDEN: Mr. President, I move the second reading of the Bill entitled *A Bill for a Law to Amend the Traffic Law (No 16 of 1973)*.

This Bill seeks to amend section 82 of the Traffic Law. Section 82 is the section which deals with the administering of the breathalyzer test for those people suspected of having taken alcohol prior to driving a vehicle.

"As the law at present stands requires a person to take a breath test by simply using an alcohol breath measuring device. Some difficulties have arisen with this. The procedure as I understand it is that when a constable arrests a person, that person, if the police suspect the person to be drunk, administers a test which would show the amount of alcohol in the person's blood. The test is carried out simply by asking the suspect to blow into a tube on this machine. The problem is that there is no provision in the law as it stands for directing the person how to blow into the machine. In order to get a true record the person must blow continuously

HON. C. ELLIS HOCKEN (CONTINUING): for a sufficiently long time so that the amounts can be precisely measured.

In a case which came before the court, one suspect blew into the intoxilyzer in such a manner that the police believed a true reading of his total alcoholic contents were not shown. He simply gave a little whiff of a breath rather than what was expected from the officer and from the manufacturers of the device.

So the amendment simply seeks to say that in future the suspect must blow into the machine in accordance with the instructions of the manufacturer of such device. So the section which reads a breath analysis would now read, "breath analysis means a test for the purpose of obtaining a measurement of the proportion of alcohol in the person's blood carried out by means of an alcohol-in-breath measuring device in accordance with the instructions of the manufacturer of such device and a specimen of breath provided by that person."

Incidentally the case which brought this deficiency in the law to light also provided for the acquittal of the suspect and so this amendment simply improves the provisions of the existing Law and should enable the officer to carry out the alcohol breath test in accordance with the instructions of the manufacturer of the testing device.

At the committee stage I would also like to ask for an amendment to this Bill so that we may include a provision in the Traffic Law to reduce the speed of trucks and other large vehicles to thirty miles per hour. This amendment will need, Mr. President, your blessing or no amendment can be made without giving the right notice under Standing Order 61(2) unless leave of the Chairman has been granted. So when we come to the committee stage I would hope, Mr. President, that you will be generous enough to allow that amendment to be made. The amendment is urgently needed and will be circulated during the coffee-break to the House.

We feel that many large vehicles, particularly the semi trailer, are being driven at dangerous speeds during the busy hours. Everyone knows that the large semi-trailer, sixteen-wheel trucks take a much longer time to stop than say a motor car and when they are driven at very high speeds create a potential danger to other motorists.

This amendment previously existed in the Traffic Law and was removed from it ten years ago when the new Traffic Law was introduced in 1973. Prior to that time the speed limits, I believe, had been as low as thirty-five miles and fifty miles and in the town twenty-five and although except the large ones which had to be driven at thirty miles an hour in a fifty mile zone and twenty miles an hour in the town. So this amendment would bring back a provision which I believe had been inadvertently removed in 1973 from our Traffic Law.

Finally on the matter of the Traffic Law I would like to say that since 1973 there have been many amendments to it caused by new situations, definitions in the law and the amendments have now become so numerous that it is very difficult for a lawyer or the courts to intelligently understand what is in the Traffic Law. It is a nightmare for the police officers administering the law and it is utterly impossible for the layman to know really what is in the Traffic Law because there have been amendments and amendments until there have been so many amendments to amendments, and the law is now really in a shambles.

Because of this the Legal Department has been asked to produce a revised Traffic Law which will set out in one single document, hopefully, all that is contained in the Traffic Law.

HON. G. HALL HUDSON (CONTINUING): When this has been done I would then circulate this document, this revised document to the Members so that they can put in at that time, if necessary, any other changes they would like in the Law. This will be done before the revised Bill has been published in the Gazette.

I think this is very necessary because over the last ten years we have seen the number of vehicles imported into the Island increase; we have seen the number of accidents multiplied; we have seen the introduction of ferocious and high powered vehicles and while the police are often blamed for the traffic accidents or the violations of the Traffic Law, they are not really the ones to blame. They have a very difficult task in administering a law which is so complex and so strangely put together on so many little pieces of paper. They also have the difficulty of dealing with people who drive without any consideration of others users of the roads and while the legislation however cannot change the attitude of the 'nut' behind the wheel of the car, nonetheless the Law itself must be in a straight-forward manner so that all those who read may understand and be able to work with it.

In conclusion, I would ask the Members to support the amendment Bill which is before the House and also give support to the amendment which will be made in the committee stage or will on to welcome the revised Law when it comes perhaps later this year.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Traffic Law be given a second reading. The Motion is now open for debate.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I rise to support this amendment, Sir, but I am wondering, the amendment which is being sought, how well the police are going to be able to enforce this?

When one has a man or a woman intoxicated, to say that you are going to have them follow the manufacturer's instructions is one thing, but to get them to follow the instructions is another thing, I question that, Sir.

I listened to the Honourable Member recommending that we reduce the speed limit of trucks and other large vehicles to thirty miles per hour and asking for permission and the support of this House. I think this is a reasonable request. I know at the present moment there is a overdrive operations and travel drivers to operate and yes how many loads they can get into a particular project in one day and this is causing congestion on our roads which is dangerous and will eventually cost somebody his life.

With regards to the new Traffic Law I wholeheartedly support this. I think this is very badly needed there are so many bits and pieces in it now that to have a proper Traffic Law compiled is very timely.

I support the Bill, Sir.

MR. CRADDOCK EVANS: Mr. President, it has been the request and the desire of this House long ago to stop bringing bits of paper for amendments and amendments to amendments and amendments to amendments, and to bring a comprehensive Traffic Law backed by regulations. It does not seem that Government can find the time to do this, on the Traffic Department, but they can find time to make these patchwork proposed amendments. Just about every time an amendment is brought to the House it makes the whole situation worse. We are wasting money, we are wasting time, we are wasting legislators' time, we are wasting the judge's time, we are wasting the lawyer's time and everybody concerned

MR. CRADDOCK KEANEY: If this breath-analyser, which has been so carefully explained, according to the manufacturer's instructions states that you must blow into it for thirty seconds or one minute or a minute and a half to get the proper results, is there anything in the police regulations or in the regulations to make a man or a woman blow into that if he or she says they are not going to blow into it? How can you make these persons under the influence of alcohol blow into the device for that length of time? They might even bite lumps out of it and make a fool of themselves, the police and us who passed this.

It appears, Mr. President, that the Legislature are going to have to curb a the future of the people by mandatory fines and penalties. We do not curb some of the things that we are trying to by mandatory fines and leaving it to the discretion of somebody else.

I am not going to go further with my debate on this. I will probably pull on the provisions of some during the committee stage. The proposed amendment which he seeks to be introduced - before the end of this Sitting, Mr. President, through some sector of Government I would like the number of deaths that have been caused on the land by trucks and motor cars ascertained, to this House so that we can compare who is destroying the lives of innocent people.

Mr. President, if Members think that they will doing justice to reduce the speed limit, Sir, for trucks to thirty miles per hour they are making a mistake. Government now is spending enough money and paying out enough money, more than their returns for trucking and if we reduce the speed limit to thirty I would like to know where we are going to end up. Some trucks probably make five trips to Port of Spain a day with materials, but would probably only make two if we reduce the speed limit to thirty. Besides that, Mr. President, we would be raising the agreement; no manufacturer would build a truck today to transport loads at thirty miles an hour. It would only be Dick who would accept that. I do not know how people can be so unreasonable and reactionary in such a manner as this; you would burn in the snake within a matter of a few months. Go to grave to the community, to the public who the manufacturers and motorists are trying to prevent of those who have been killed by trucks and those who have been killed by cars over the past years.

Again, why would we attempt to create problems, hardships and difficulties on poor law-abiding citizens? What do all of you say, Mr. President, and to me it does not make sense to give my support to this proposed amendment being brought here because nobody can make somebody blow into a tube or a bottle or whatever is presented to him when he is under the influence of liquor.

So, Mr. President, I commit also my support - not that I do not feel that every measure should be taken, but I cannot see this one working. And when the second amendment should that will be added to this during committee stage - no, Mr. President, I can tell you that now, like I said before, I will try the patience of somebody before we are through. So I thank you, Sir.

MR. PRESIDENT: The Hon'ble Member for Mayaro.

MR. J. RAMESAR (Mayaro): Mr. President, I support the amendment before us as it is, but I also agree with the Member from North Side on some of the statements he has already made regarding the speed limit of trucks to thirty miles an hour.

One has to realise that some of these big trucks have as much horsepower under their hood before these trucks can shift gear they already go beyond thirty miles an hour and to confine

MR. J. HARRISON SMITH (CONTINUING): one thousand to thirty miles an hour, Mr. President, I think is ridiculous. Why should the motive behind have to be punished however we have one on top every footage on the record. This is what we are making the police for. If they find somebody who is abusing the road, take them in and let them pay the penalty. But I cannot agree, Sir, that we should reduce the speed limit to thirty miles an hour.

One only has to get on the West Fay Road, Mr. President, around about thirty or eight o'clock in the morning trying to get into George Town with a limit of forty miles an hour and one would see normally what I am talking about. I drive a bus and most of the time I manage to be on time, but I for one would not be able to be on time if I have to follow a truck from West Fay which is confined to driving at thirty miles an hour; I would be late every time.

Mr. President, I will have a little more to say when we get to committee stage, but I cannot support the amendment which will be brought forward at the committee stage.

I thank you.

MR. BENSON O. EVANS: Mr. President, I must question also the validity of this proposed amendment before us. As I see the law, a test for alcohol by a breathalyser of the woman has to be done in the presence of two constables and if these two constables cannot effectively carry out the test, one wonders whether the proposed amendment is not now opening a further can of worms.

As I see it, if we put this proposed amendment into effect one will then be relying the driver by the suspected person that the constable or constables did not carry out the test in accordance with the instructions of the manufacturer. Furthermore it would seem reasonable that if a person is required to give a sample of breath in accordance with the instructions of the manufacturer then the suspected person should be given a copy of those instructions to make sure that he is adhering to them and there is no provision in the amendment for this.

If we are going to edit here and be specific about what we are doing I think then the amendment should also include a provision for the suspected person to be given a copy of the instructions so that he will be able to follow whether he is getting a sample correctly and if not whether the police are in fact carrying out their instructions correctly. I would imagine with an amendment like this that it would always be incumbent on the prosecution in a case to prove to the satisfaction of the court that the test was carried out in accordance with the instructions of the manufacturer; as I see a further chain of evidence having to go in with all of the check-works of the manufacturer's instructions being carried out.

So my feeling is that we are really using a sledge hammer to kill an ant in this instance. The mover of the Bill stated one case I think that has given rise to this amendment and I am wondering whether one successful operation of some peculiarness of the Law, or ridiculous as this is, really warrants amending the Law particularly when it is being tested within a short time as the mover has said. I must agree with the Member who said it seems almost a waste of time to bring this little piece of matter, an amendment, before the House.

One wonders what would happen if the instructions from the manufacturer for this machine became mutilated or defaced in some way. Are we going to have another series of these filed away for future use? There is no provision in the amendment for this and as I said how are we going to provide a suspected person with

MR. BENSON Q. SMITH (CONTINUING): a copy of the manufacturer's instructions to make sure that he has been asked to do something that the manufacturer says he should or should not do? And for that reason, Mr. President, I am afraid that I cannot support the amendment as proposed.

SEN. TRUMAN M. POSTON: Mr. President, the court in this instance has interpreted the law and quite rightly has stated that once a person carries out the Law he has discharged his duty at law. There is not done that that is all that is required and he cannot be charged with an offense for failing to carry out that duty. All that is being asked here is that that duty be such that it makes sensible a Law which this Legislature enacted some time ago so that the instrument was like a reversal anything.

There is a presumption that everyone knows the Law. Well, we all know that everyone does not know the Law. I do not think that there is any one person who knows all the Laws including lawyers and judges. But to state that you have to specifically provide written authority each time as to what the instructions are that a person should carry out, why not take it further, why not walk around with the eight volumes of Laws and when you arrest somebody produce it to him and say you should have known this - here it is. When you arrest somebody you merely advise that person by stating a short statement of what the Law is and one is to substantially correct it can only be a word - "I hereby charge you with assault", or whatever.

So I do not think that we should attempt to go out of the bottom track of hundreds of years of authority and precedent on this by stating that we have to produce Code in writing. You could take that to an extreme and I think that that is going too far with it, but you can quite right that a person must be told what he is to do the same as the policeman directing traffic tells you to either stop or to move on or halt, or whatever - you do not ask for it in writing. And here what would really happen is that a person would be told you must blow into the breathalyzer for a sample twice in a certain way and if he fails to carry that out then at that stage he could be convicted on the substantive offense for failing to carry out the Law.

You cannot really, going back to the court case, force a person to do something that he is not required at Law to do. Then the policeman could be charged either for use or non-failure - unlawful use he could be charged for false imprisonment by holding the person there after the person had discharged his duty. So we do have a ruling in the court and I think it is our duty to correct it and the only way to correct as I see it is in this form. We should not attempt to go to a stage where we have to produce the written Law and the written instructions. The police will have them there and I am sure that if they are asked for they would either be told or be shown it.

In any event if somebody failed to carry out instructions which he was not properly informed of I do not see any court convicting him. In fact this case is similar to one that was dealt with in Canada, I think about three years ago, where someone said, "I have a duty to give blood, but you must take it from either of the five veins that you first request to you", and it did not carry the amount of alcohol that it would have amounted if it had been taken out of a vein perhaps out of the arm or out of the leg. But they fulfilled their duty in Law and I assume the Executive Government has corrected that as well.

So what is being asked for, while it may seem petty, I think the court wherein while it may not seem logical

HON. THOMAS M. BOLLING (CONTINUING): has legally intervened the matter and we have a duty to intervene to and to ensure that persons who are guilty do not get away through loop-holes such as this.

Thank you, Mr. President.

CHEV. MARY V. KITCHINGMILL: Mr. President, I rise to support this Bill as presented. I feel that intoxicated drivers are a danger to our community and anything that this Honourable House can enact that may save a life I think is quite worthwhile. I support also that part of the amendment with regards to reducing of the speed on heavy vehicles.

I have been in cities where the heavy trucks are prohibited on certain routes - also reduced to twenty miles per hour. I am sure that these Legislators have taken into consideration the manufacturer's requirements on the vehicles and it cannot be that detrimental on special routes would be built for trucks.

Again, if there is anything that we can do as Legislators to make our community a safer place to live, I feel it is our duty. Therefore, Mr. President, I support the amendment as presented here and also the one that will be presented later.

MR. PRESIDENT: If no other Member wishes to speak, I will invite the mover if he wishes to reply to the motion.

HON. C. WILLIAMS: Mr. President, the police undoubtedly will have a difficult task in getting an intoxicated person to take such a test, but the police seem to have more difficult tasks than this as a part of the life which they lead. However, if a person is instructed to take a certain test and if the law requires that test to be so taken, it would then be an offence not to comply with the actual instructions that were given.

What has happened in this case is that a person was merely asked to blow into a tube. The amendment would change this so that the person would then be asked to blow into a tube in the manner in which the tube should be blown into according to the instructions of the manufacturer.

On the matter of giving a copy of the instructions to the suspects - I see no harm in that. If he wants a copy of the instructions they could be given to him. I am surprised to hear the Third Elected Member for West Bay talking about our hindering this amendment because of the instance of a successful challenge of the law. The truth is if a successful evasion of the law is left unchecked, this would open the floodgates for loopholes and certainly he does not want this to happen.

If it is now made known that you need not give a full breath into the machine, certainly everyone will take advantage of it and the device will not be able to record the true position.

The other amendment which is arranged for the Bill deals with the reduction of the speed limit for trucks and other large vehicles and one Member made a true comment that many deaths have been caused by cars than by trucks. However, I believe this is true only because the proportion of cars is greater by much higher. We have many more cars than we have trucks and naturally many more cars will be involved in accidents than trucks, but a large truck being driven at high speeds certainly creates more danger than a smaller vehicle driven at the same speed and the larger vehicle definitely takes a longer time to stop.

The Members were concerned with the gears of the trucks and while I am not an expert on this subject as they appear to be, you cannot have a vehicle going from the vehicle within the

HON. C. HOLT HOWSE (CONTINUING): speed required for that area. You could drive the vehicle all day in a low range quite safely but you must not use the speed of that gear. So it does not matter whether you drive in fourth or second or first or ninth the fourteenth gear, your speed is to be governed with the gear. All vehicles with drums have with similar instructions - you must not for the vehicle labour in a high gear, that is you must not drive too slowly for the gear that it is in; on the other hand you must not drive too fast in a low gear, but once you keep your speed in line with the gear I do not think that any serious damage would be done to the vehicle.

As for the many amendments to the Traffic Law which have come in the last few years, I would only say that this Legislative Assembly has a responsibility to change with the times. When the Law was written in 1972 it made no mention of traffic lights, it made no provision for one-way streets - why should it? It was not envisaged at that time that we would have traffic lights, that we would have radar, that we would have one-way streets, that we would have sophisticated blood tests for alcohol. We would have breathalyser devices and it was not envisaged that we would have the amount of traffic on our roads which we have had. And even when this Law has been replaced it will not be perfect. I imagine we will get just as many amendments in the future as we have had in the past because the introduction of new devices brings with it problems.

When our first roads were built and when our first Traffic Law was made no one could imagine that in Cayman the automobile would have become as ubiquitous as it is today. No one could imagine that it would dominate the lives of the people the way that it has. No one could imagine that it would change society the way it has. I dare say if the Queen had visited Cayman ten years ago, not even one-fifth of the people who now live would have been able to see her. The reason is that we have the automobile to now transport the people, but the large numbers of the people, the many types of vehicles, the many problems created by them require constant change in the law and I suspect that even when the Law is revised in a comprehensive Bill we will still be debating amendments in the days to come. So I am not looking forward to the time when there will be no more amendments to the Traffic Law. I support an increase in the amendments and again, as I said at the beginning, I would ask Members to support the Bill before the House and perhaps those who have objected may, when it comes to the committee stage, outline their feelings and agree with what is in the Bill perhaps even in a modified form.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to amend the Traffic Law be given a second reading.

QUESTION PUT: AGREED, BILL GIVEN A SECOND READING.

MR. SPEAKER (CONTINUING): I think this may be a convenient moment to suspend proceedings for fifteen minutes and I will now therefore do so.

AT 11:38 A.M. SIX HOUR SUSPENSION

HOUSE RESUMED AT 11:55 A.M.

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

THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1983

FIRST READING

CLERK: The Summary Jurisdiction (Amendment) Law, 1983.

MR. SPEAKER: A Bill entitled A Bill for a Law to amend the Summary Jurisdiction Law is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1983

HON. MICHAEL J. BRADLEY: Mr. Speaker, I beg to move the second reading of a Bill shortly entitled The Summary Jurisdiction (Amendment) Law, 1983.

Mr. Speaker, before going into the particular matters dealt with in this short Bill I would like to say something which arises directly out of the comments made by Members when discussing the second reading of a Bill previously before us today.

This Bill and a number of other Bills, Mr. Speaker, which are brought by myself and by other Honourable Members on this side before this House may be small in relation to other matters, but in all cases are brought to the House because I personally consider it my duty in laying before the Governor in Council and then assented to by the Governor in Council before this Honourable Assembly any Repeals, Amendments, Consolidations or Revisions in the Laws of this territory no matter how small.

I would prefer, Mr. Speaker, if our Laws were such that I could make, or it could be made by the appropriate Honourable Member, a Law entitled The Miscellaneous Amendments Law, but such is our system of Laws whereby a Law is revised, it is in loose-leaf form in our Laws and any amendments to that are placed in behind it. It has been necessary in the past and I think it is still necessary to deal with the subject matter of only one Law in one amending Bill whenever possible. I do, Sir, consider that the matters that are brought before this Honourable Assembly in short Bills are not frivolous in substance and have been considered as not minute or unimportant by myself or my colleagues.

That being so, Mr. Speaker, may I commend to the Members of this Honourable Assembly this short Bill which is The Summary Jurisdiction Amendment) Law, 1983.

Mr. Speaker, it is not often that I have the opportunity and I am sure that it is not often that other Honourable Members have the opportunity to relate matters similar to this Honourable Assembly. In 1975 the Summary Jurisdiction Law was passed by the Legislative Assembly and in section 10 of that Law it said that all Magistrates, Justices of the Peace, the Rolls of Justices and the Chief Clerk are hereby authorized to administer oaths, take affidavits, solemn declarations and affirmations on all matters before a court. When that Law came into force it was realized that perhaps the restriction that Magistrates and other persons were only authorized to administer oaths in relation to matters which were actually before a court was unnecessarily restricted, and it was considered at that time on a recommendation from the Judiciary that the words "before a court" be removed.

In 1979 a short amending Bill seeking to give effect to that (the removal of the restriction) was passed, but for some reason inadvertently in trying to relate the words "before a court", those words were omitted and the qualifying words "in the Islands within Jurisdiction and Warrant" were added.

I have examined a transcript of the debate available in the records of this Assembly at the session. I can find no clear there why the other words were added in substitute. I have taken upon myself to speak to the then Attorney-General and he was not able to enlighten me as to why these words were added. I have not had an opportunity to speak to the then Legal Draftsman, but there

HON. MICHAEL J. BRADLEY (CONTINUING): give no records on the files of Government concerning that.

The words that are added will mention in the law and are meaningless in themselves. That is the mystery. I am seeking to remove words which were added at that time and to bring back to what the original intent was in 1970. The second object of this short Bill is to remove references whereby they claim to Justices of the Peace on the Roll of Justices

Under our system of law, Mr. President, there are persons appointed as Justices of the Peace who on through a formal ceremony of appointment and have their names formally registered on the Roll of Justices. There are other persons who are Justices of the Peace either by virtue of their office or by virtue of some statutory enactment. It is considered an anachronism that we have laws which provide that certain powers of Justices of the Peace be given only to those persons whose names are only upon the Roll of Justices and the second object of this Bill is to remove that small anachronism.

I hope, Mr. President, at the appropriate stage after the debate upon this Bill in Committee section will in which the question of the appointment of the said persons as Justices of the Peace under the Police Law will be considered. However, in the meantime, Sir, having given that explanation I would commend The Summary Jurisdiction (Amendment) Law, 1993 to this Honourable Assembly.

Thank you.

MR. SPEAKER: The question is that a Bill entitled a Bill for a Law to Amend The Summary Jurisdiction Law be given a second reading. The Motion is open for debate. (CAUSE)

If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE POLICE (AMENDMENT) LAW, 1993

FIRST READING

CLERK: The Police (Amendment) Law, 1993.

MR. SPEAKER: A Bill entitled a Bill for a Law to Amend the Police Law be hereby read a first time and be set down for second reading.

SECOND READING

CLERK: THE POLICE (AMENDMENT) BILL, 1993.

HON. MICHAEL J. BRADLEY: Mr. President, I have to move that a Bill shortly entitled The Police (Amendment) Law, 1993 be read a second time.

Mr. President, under section 6, sub-section (2) of the Police Law, qualified police officers - that is those of or above the rank of Assistant Superintendents are ex-officio Justices of the Peace.

In my opinion of considering this and considering what amendments are suitable this recently came to light. The police exercise functions of watch-dogs and guards of the community and it is considered wrong in principle that members of the police force should automatically, because they are of a certain rank, be appointed by virtue of that rank as Justices of the Peace because it is inappropriate that they should have, whether they exercise it or not, authority to sit on a bench to issue warrants of arrest, to authorise search warrants and to administer affidavits and oaths.

This short amending Bill, Mr. President, seeks to amend the Police Law by removing that part by which these assistant police officers automatically become Justices of the Peace.

HON. MICHAEL J. MASHINY (CONTINUING): It does not matter the power to punish a police officer either by fine or by post from being a justice of the Peace and if it is thought necessary for the purposes of issuing traffic summons or other persons that such a person be appointed then they will be appointed.

What we are seeking to do, Mr. President, is to remove from our Law the over-lapping control of certain police officers because of their work being both policemen and persons who can sit quietly in a judicial capacity.

With these short words, Mr. President, I commend this Bill to Members of this Assembly.

MR. PRESIDENT: The question is that a Bill entitled / Bill for a Law to /amend the Police Law be given a second reading. The Motion is open for debate. (PAUSE)

If no Members wish to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE RESTRICTION ON THE SUPPLY OF PETROLEUM TO SOUTHERN RHODESIA (REPEAL) LAW, 1965: FIRST READING

CLERK: The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Law, 1965.

MR. PRESIDENT: A Bill entitled / Bill for a Law to Repeal the Restriction on the Supply of Petroleum to Southern Rhodesia Law, 1965 is deemed to have been read a first time and to set down for second reading.

SECOND READING

CLERK: THE RESTRICTION ON THE SUPPLY OF PETROLEUM TO SOUTHERN RHODESIA (REPEAL) BILL, 1966.

HON. MICHAEL J. MASHINY: Mr. President, I beg to move the second reading of a Bill entitled The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Law, 1965.

Mr. President, this Bill seeks to repeal a Law passed by this territory some seventeen years ago when in the colony of Southern Rhodesia the illegal government of Mr. Ian Smith took control by making a unilateral declaration of independence. Having observed and listened to Members and to the members of the Opposition while I feel sure that no other country is more likely to pass similar legislation by reason of an illegal unilateral declaration of independence from this territory, Mr. President. However, Southern Rhodesia as a nation inalienable did as then. As a result of that UN the United Nations and the Commonwealth imposed certain sanctions on the territory of Southern Rhodesia and our part in the application of those sanctions was to prohibit the supply of petroleum products either directly or indirectly.

Then has passed by, History has changed, Southern Rhodesia is now Zimbabwe, an independent member of the Commonwealth, the need to have this Law on our statute book has now passed, it is of no need, it is defunct and I honourably commend Members the repeal.

Thank you.

MR. SPEAKER: The question is that a Bill entitled A Bill for a Law to Repeal the Restriction on the Supply of Petroleum to Southern Rhodesia Law, 1965 be given a second reading. The Motion is open for debate. (PAUSE)

Unless any Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE FIREARMS (AMENDMENT) LAW, 1983

FIRST READING

CLERK: THE FIREARMS (AMENDMENT) LAW, 1983.

MR. PRESIDENT: A Bill entitled A Bill for a Law to Amend the Firearms Law (Revised) to increase the fines to be imposed; and to provide for mandatory imprisonment in certain circumstances.

SECOND READING

CLERK: THE FIREARMS (AMENDMENT) LAW, 1983.

HON. DENNIS F. FOSTER: Mr. President, I move the second reading of a Bill entitled A Bill for a Law to Amend The Firearms Law (Revised).

Mr. President, this short amendment seeks to increase the fines now imposable. These now imposable are far too low and have virtually no effect. Now I mention, Sir, the penalty imposable now for possession of an unlicensed firearm is nine months imprisonment and $200 fine. If a person convicted is a restricted person, that is to say a person who has had a previous conviction, to imprisonment for nine months or a fine of $200. If the offence relates to prohibited firearms and in any other cases to imprisonment for six months or a fine of $100. It is considered that these penalties are now outdated, Sir, and by people knowing that there is not much of a fine attached to it, it is an inducement to them to bring in firearms illegally and not declaring it at all.

It is hoped, Sir, by enacting this Bill it will be a deterrent to people bringing in illegal firearms and keeping them in their possession, and in some cases even using them.

Mr. President, I commend the Bill to Members and seek their support.

MR. SPEAKER: The question is that a Bill entitled A Bill for a Law to Amend The Firearms Law (Revised) be given a second reading. The motion is open to debate.

MR. LINDSAY KEARNS: Mr. President, I feel that this proposed amendment is appropriate, but again I feel that there is lacking some additions to the amendment and that is that hard labour should be added to the existing penalty of imprisonment together with the fine.

When a person is sentenced to imprisonment for five or ten years it just about breaks this Government to provide for him during that period of time and I feel, Sir, that such a proposed amendment should include hard labour. When we go into committee, Sir, I am going to propose an amendment to be added to it.

Other than that, Mr. President, I will not say any more on the comments, but I do support them.

MR. SPEAKER: If no other Member .....

MR. DENZIL O. EVANS: Mr. President, just on the language of this Bill I note that the section that this Bill proposes to replace had fines stated on not exceeding so much, whereas this one says is liable on summary conviction to imprisonment, for example six years.

As I understand this, this would be interpreted to mean here again, mandatory sentences of six years and I would hope that we would be using language not exceeding six years again, or something of that effect. I know that there is a difference of opinion as to the interpretation of this type of language, but the point that I am really making from it again that a prison sentence is mandatory under this language is that the way it is written if a

MR. DENNIS O. FRANKS (CONSTITUENT): said sentence is incorrect, well then it appears to me it be mandatory to the terms stated here. I would like to make that point clear and have an assurance on that point, Sir.

HON. G. HALF HOLDER: Mr. President, I would just like to say that it was not the intention of the Bill to make any other penalties mandatory. To me the Bill is clear, but perhaps the Honourable Second Official Member may want to offer some amendments that would make it unmistakably clear that all the penalties are for periods not exceeding the periods set out in the Law and the Court are fines not exceeding the amount stated.

HON. MICHAEL J. BRADLEY: Mr. President, I will the White House to move its amendment maybe an amendment to this effect if it causes any change in the minds of Members. I have since I mentioned the Common Islands Dona Anyone with reasonable little success to modernize the drafting language in relation to fines and imprisonment. The Member opposite as Attorney-at-Law still unconvinced by this, so I shall with your leave, Sir, move a short amendment at committee stage to delete altogether on this matter the words "to imprisonment for" and to substitute the words "to imprisonment for a term not exceeding" if that would assuage the doubts of the Members.

MR. PRESIDENT: If no other Member wishes to speak I will put the matter whether in addition to committee but might or not?

HON. DENNIS F. FOSTER: Mr. President, I would just like to thank the speakers who spoke on the Bill. I am sure if there are any adjustments to be made we will do it in committee stage and I still commend the Bill, Sir.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Planning Law (Revised) be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE DEVELOPMENT & PLANNING (AMENDMENT) LAW, 1983

FIRST READING

CLERK: The Development and Planning (Amendment) Law, 1983.

MR. PRESIDENT: A Bill entitled A Bill for a Law to Amend the Development and Planning Law is deemed to have been read a first time and be set down for second reading.

SECOND READING

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1983.

HON. JOHN S. MCLEAN: Mr. President, I beg to move the second reading of a Bill entitled a Bill for a Law to Amend the Development and Planning Law (Revised).

Mr. President, this amendment is required in order to allow the Planning Department to control such illegal development. The present law allows for a period within one year in which the Planning Department may serve an enforcement notice.

Due to the fact that certain illegal developments are not discovered until after the one year period the Planning Department cannot accept the illegal developer to rectify the illegal development. It is for this reason, Mr. President, a period of five years is suggested in this very small amendment and therefore I am asking all Members of this Honourable House for their support in this amendment.

MR. PERRITTINO: The question is that a Bill entitled A Bill for a law to Amend the Development and Planning Law (Revised) be given a second reading. The Motion is open for debate.

Mr. V. NORMAN HODGES: Mr. President, the Bill before the House with regards to the period of time being recommended here as an amendment I feel is too long. I feel that the Central Planning Authority should have the machinery whereby they can identify illegal developments in a shorter period of time so that enforcement notices can be served and whatever corrective action needed can be taken. So I support the five year period that is being recommended.

MR. PRESIDENT: Does any other Member wish to speak?

MR. BENSON O. EBANKS: Mr. President, I too have reservations about the length of time in this amendment and I am wondering whether the five year period coincides with the requirement under the law to bring to the Legislature's record a new plan, at least to bring a report which incidentally has not been done in the required time under this Law) whether that five years will now be self-defeating in that regard in that if the law is given new life in this plan is not produced then it automatically takes effect again.

That is the second reason why I am questioning the length of time. I think that personally, five years is a very long time and two or three years, personally three years, should be long enough. If the Planning Department is not able to discover illegal development within three years it would seem to me that it would not have been a very objectionable bit of encroachment to begin with and I think that five years is a very long time, Sir.

MR. PRESIDENT: Does any other Member wish to speak?

HON. NORMAN M. BODDEN: Briefly, Mr. President, the position at Law in relation to offences committed or in relation to offences in the enforcement notice is that from the time of discovery that an offence has been committed and in the high court an indictment can be brought at any time. I do not think that it would be fair to expect the Planning Department in a very short period to have the onerous duty really of deciding every immediately whether prosecution has been granted or not because this is what we are dealing with - premises that without permission out there illegal buildings of some sort.

I would not, perhaps, [illegible] the period to three that the Planning Department has mentioned and even then I have wondered if then it would be the right. But what we would really be doing here is that you would commit a criminal offence and because you were unintentionally mistake to find out for a period of time you would then get away with it.

So I think the two questions the Member should look at are (1) in where planning permission has been given and there is a question of it. I can see that period being shorter because the Department does have notice that, for instance, a house or an office building is being built and they are to get required to give out a certificate of occupancy. I think it is unfair, but leaving long the period where persons have not applied for any permission whatsoever but have gone ahead and carried out illegal planning. So I would really like to draw those two distinctions because at Law if you commit an offence, until the matter have gone out of time they are in. The same as if you get someone committing an arson, until you should have known about that the twelve years does not run. Stealth - does not assist, it is actually a defence to arson

HON. THOMAS M. DOUGAN (CONTINUED): conversation.

So I think may be we should look at it in three to eight; may be two different periods is necessary or a happy medium in between the two.

Thank you.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I did not mean to answer, Sir, because I think other speakers have indicated that the time have is too long which is being spent in this Bill. However, the last speaker tempted me to my feet. He said it would be too onerous for the Cent. I Planning Authority to police this Bill because they did not have the proper machinery.

Mr. President, I feel that the time has come when the Central Planning Authority should have the machinery to police the different areas in which buildings are going up without permission. I think this is a very duty. I think it is almost a must because we have numerous buildings going on which have the Central Planning Authority. Little buildings are being erected and before we know it we are going to have a shanty town. So I would recommend, Sir, a time period of time, probably three years, with staff of the Central Planning Authority getting the proper machinery in place whereby they can inspect the various areas and Casino Zone in particular and West Bay I think as well, Sir.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak?

HON. MICHAEL J. HANDLEY: Mr. President, just very briefly if I may with the permission of my Honourable colleague deal with that matter raised by the Third Elected Member for West Bay.

In the course of his speech he said that the regulations of the Development and Planning Law in relation to carrying out a fresh survey and procuring a fresh report had not been complied with. I, Sir, was asked by the Authority in this regard and I advised that the duty of the Authority was within five years to carry out a survey, but that the matter mentioned pertaining to preparation, of circulation, of acquisition of the plans of all the things that have to be done before it is submitted to the Legislative Assembly under section 7(1) could properly be carried out as planning as possible outside the five year period as long as the Authority had actually commenced within the plan. If there appears to be any default on the part of the Authority it is done entirely on my advice, Sir.

MR. PRESIDENT: Does any other Member wish to speak? Does the mover wish to reply?

HON. JOHN B. MCLEAN: Mr. President, I would like to thank Members for their valid contributions. There have been several suggestions as to the period of time but I am certain when we go into the committee stage someone will propose an amendment to the present amendment and I have no objection to the time being changed from five years to any three.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled *A Bill for a Law to Amend The Development and Planning Law (Revised)* be given a second reading.

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

MR. PRESIDENT: I will now adjourn proceedings until half past two.

AT 12:27 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 9.50 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The House will now go into committee to study a Bill entitled A Bill for a law to Amend the Strata Titles Registration Law, 1973 and other Bills committed to it.

COMMITTEE STAGE

MR. CHAIRMAN: The House is now in committee.

THE NORTH TITLES REGISTRATION (AMENDMENT) BILL, 1983

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that the Short Title .....

HON. MICHAEL J. BRADLEY: Sorry, Mr. Chairman, one small typographical error there which should be THIS. It was 1983 in the original copy, but I think the Clerk has already changed it on the photostated copies.

MR. CHAIRMAN: My copy has been changed to accurately. It may note it should be 1983.

The question is that the Short 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 2 OF ACT 14 OF 1973.

MR. CHAIRMAN: The question is that Clause 2 .....

HON. MICHAEL J. BRADLEY: Again, Mr. Chairman, I think the Justice must have been at the printing in that there was a number of typographical errors.

In the third line which is the first line of paragraph (a), it should be "subdivisions" instead of "subdivision". In line 2 of that paragraph it should be "units" instead of "united" and in line 4 it should be "homeowners' plural".

MR. CHAIRMAN: The question is that subject to the corrections of those three typographical errors Clause 2 stand part of the Bill.

MR. HENSON O. HAINES: Mr. Chairman, I think the Honourable Second Official Member said that he would give further enlightenment as to the exclusion of hotel or part of hotel during this stage.

HON. MICHAEL J. BRADLEY: Would the Clerk be good enough to pass me the Strata Titles Registration Law for reference, Sir?
Mr. Chairman, if I could be permitted to read from a memorandum received by me from the Registrar of Lands in this matter, I think it is self-explanatory.

HON. MICHAEL J. BRADLEY (CONTINUING):

"in which the definition to exclude hotel business. The hotel businesses were deemed to be properties capable of registration under the Strata Titles Subdivision Law. The Planning Laws relating to density would almost certainly be contravened. On the other hand we cannot consider the units as being part of an hotel because the definition of an hotel under the Development and Planning Regulations interprets this as the meaning ascribed to it in the Hotel Acts Law, 1976."

This definition concludes -

"building and structures within such premises not being a strata lot or an apartment house;".

That being so, Sir, the reason for specifically excluding from the definition of "hotel" any part of an hotel is that it prevents there being an overlapping definition for the purposes of the Hotel Acts Law, 1976 and the Development and Planning Regulations.

MR. BENSON O. EBANKS: I understand that, but surely that could not be the only reason why this is in there because unless there was a policy decision not to include hotels one could have amended that definition to coincide with this one.

So the point is that there must be a policy decision not to apply strata ownership to hotels because it would not be beyond the capability of the law to have changed the amendment under the Hotel Acts Law, 1976.

HON. MICHAEL J. BRADLEY: Mr. Chairman, it is not part of my responsibility to decide policy matters, it is to explain the effects as I understand them of the amendments before this honourable committee.

HON. G. ALLEN DODDRIDGE: Mr. Chairman, I do not know if a firm policy has ever been taken on the matter of excluding hotels from strata registration, but I know, if I can go back into antiquity, when I was the Member for Lands an application had been received to have an hotel registered and there was strong opposition to the system under which it would have been done because it involved not only the registration but time-sharing of rooms. It was feared that if an hotel was registered under the Strata Titles Registration Law, you could put a mortgage there the rooms would be sold on a time basis and this would conflict with the amount of an hotel because it would mean, if there were several individual owners with the right to individual rooms as you get in a condominium unit, that rooms would not be available 365 days a year. I think this was where the objection came to having an hotel under the Strata Titles Registration Law and it was thought best to keep the hotels away from the Strata Titles Registration Law so that the running of an hotel could be carried out. The purpose being to rent the rooms 365 days a year and I believe this is the way it should be. Whether a firm policy should be written on it is a different matter, but for the purpose of this amendment I believe it would be a good thing to keep the hotels out and to exclude them from it.

MR. BENSON O. EBANKS: I think I have my answer, Mr. Chairman.

MR. CHAIRMAN: If no other Member wishes to speak on this Clause I will put the question that Clause 3 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 3 - AMENDMENT OF SECTION 6.

MR. CHAIRMAN: The question is that Clause 3 stand part of the Bill. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE STATE TITLES REGISTRATION LAW, 1973 (LAW 14 OF 1973).

MR. CHAIRMAN: The question is that the Title stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

THE TRAFFIC (AMENDMENT) BILL, 1983

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that the Short 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 68 OF LAW 14 OF 1983.

MR. CHAIRMAN: If there is no debate I will put the question that Clause 2 stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

NEW CLAUSE 3

HON. O. RITA HUGHES: Mr. Chairman, with your permission, Sir, I would like to move that a new section 3 be added to the Bill before us. The contents of the new section 3 have been circulated to the Members and I would like to read it. It would read -

"Amendment of section 68 of Law 14 of 1973. 3. Section 68 of the Traffic Law is amended by inserting the following as subsection (5) -

"(5) No trucks having a load capacity in excess of three tons shall be driven at a speed more than thirty miles per hour and every such truck shall have displayed on the back the figure and letters "30 M.P.H." in such dimension, colour and position as may be ordered by the Commissioner.".

MR. CHAIRMAN: In accordance the provisions of Standing Order 52(8) I grant leave for the additional Clause to be introduced.

Does any Member wish to speak to the proposed additional Clause, Clause 3? (PAUSE)

If not, I will put the question that new Clause 3 be added and stand part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE TRAFFIC LAW (LAW 14 OF 1973).

MR. CHAIRMAN: The question is that the title stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

THE SUMMARY JURISDICTION (AMENDMENT) BILL, 1958

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 18 OF LAW 19 OF 1935.

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 3 - AMENDMENT OF SECTION IV.

MR. CHAIRMAN: The question is that Clause 3 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4 - AMENDMENT OF SECTION 23.

MR. CHAIRMAN: The question is that Clause 4 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: A LAW TO AMEND THE SUMMARY JURISDICTION LAW (LAW 19 OF 1935).

MR. CHAIRMAN: The question is that the Title stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

THE POLICE (AMENDMENT) BILL, 1951

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 6 OF LAW 5 OF 1948.

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: *A BILL TO AMEND THE PUBLIC LAW (LAW 5 OF 1979).*

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. THE TITLE WAS PASSED.

THE RESTRICTION OF THE RIGHT OF PROSECUTION TO NORTHERN RHODESIA (REPEAL) BILL, 1964

CLERK: *CLAUSE 1 - SHORT TITLE.*

MR. CHAIRMAN: *The question is that Clause 1 stand part of the Bill. If there is no debate I will put the question.*

QUESTION PUT: AGREED, CLAUSE 1 PASSED.

CLERK: *CLAUSE 2 - REPEAL OF LAW 6 OF 1960.*

MR. CHAIRMAN: *The question is that Clause 2 do stand part of the Bill. If there is no debate I will put the question.*

QUESTION PUT: AGREED, CLAUSE 2 PASSED.

CLERK: *A BILL FOR A LAW TO REPEAL THE RESTRICTION ON THE RIGHT OF PROSECUTION IN NORTHERN RHODESIA ACT, 1960 (LAW 6 OF 1960).*

MR. CHAIRMAN: *The question is that the Title do stand part of the Bill. If there is no debate I will put the question.*

QUESTION PUT: AGREED, THE TITLE WAS PASSED.

THE FIREARMS (AMENDMENT) BILL, 1982

CLERK: *CLAUSE 1 - SHORT TITLE.*

MR. CHAIRMAN: *The question is that Clause 1 do stand part of the Bill. If there is no debate I will put the question.*

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: *CLAUSE 2 - AMENDMENT OF SECTION 15 OF LAW 17 OF 1964.*

MR. CHAIRMAN: *The question is that Clause 2 do stand part of the Bill.*

HON. MICHAEL J. BRADLEY: *Mr. Chairman, I am not sure whether the Third Elected Member for West Bay wishes the phraseology to be put in more traditional terms? If so I will be happy to make the amendment.*

MR. EUGENE O. FRANKS: *Mr. Chairman, I would indeed be more satisfied with that, Sir. In support of my argument I would just point out that the Law made "not possession". It is all in the same paragraph. That is what I would like to see for the improvement - not necessarily two years and so on from the time whenever it occurs in this paragraph.*

HON. MICHAEL J. BRADLEY: *I can imagine, Mr. Chairman, to do it by*

HON. HOWARD J. BRADLEY (Conservative): Half measures and put a little bit of my argument through this time and then the whole next time. Could I, with your leave, Sir, under section 21(2) of Standing Orders move an amendment without notice?

MR. CHAIRMAN: Permission granted.

AMENDMENT TO CLAUSE 1

HON. HOWARD J. BRADLEY: I beg to move the following amendment to Clause 1 of the Bill that paragraph (m) which reads "An amendment for" appear thereon that same should be deleted and the words "An amendment for a term not exceeding" be substituted therefor.

HON. CHARLES L. KINSCOWELL: Mr. Chairman, the Member for North Side thought that we should have had labour with amendment and I concur with this, Sir, one hundred percent. I feel that anyone going to prison is definitely categorized as a criminal. Someone sneaks off a gun and an forth should, I feel, be punished with hard labour and I would ask that hard labour be added to that amendment.

MR. CRADDOCK REARDON: Mr. Chairman, it occurs that 5 minutes ago a telephone call gave the House an opportunity to slip the Traffic Bill through when I was out. Anyway I will not come of my remarks in Committee if life is spared.

On this one, Mr. Chairman, I cannot give my support to the penalty as proposed without hard labour. Mr. Chairman it is time for us to start thinking. When we send people to prison as far as I am concerned, Sir, it is their choice. They know that when they committed an offence it was wrong and if they are caught they should pay the penalty. The idea of sending people to prison for a season of grace is do nothing in the world but wrong, sneak and talk foolishness and to be maintained off of the taxpayers' money, Sir. I think it is high time for us to put some guts on this.

Only in the last few months I suppose Government will give the information as to what the Queen's Overseas must and out of that cost how much did the Newfoundlanders put into it? In the 4 day's work. We have hard working people who cannot afford weeks for the week-end while politicians enjoy the best out from a year and they do nothing in the world. I, Mr. Chairman, support and I will not give my support to these amendments unless hard labour be added.

As I said it is time for us to start thinking differently because our prison population is not increasing, it is growing. We are getting more and more out they feel that it is a comfortable life. Many of them who come out have gone back in and have come out again and gone back in again. It is a recreational ground for them as far as they are concerned. How can we honestly ask out taxpayers money for the strong, healthy, hard-working people to keep and board. We have the new Labrador system coming up and every cell now will want a television in it.

Mr. Chairman, it is time for Legislature to look at the root cause of the people and try to prevent that and not just to be charged down. We talk about trying to help these fellows start a new life, but how can they start a new life in such a manner? If they were not put out of the way where they could be seen by the public and bring a blight on their name and reputation such thereafter, if they have any, I do not see where they have an alternative. The prisoners spend the time for six months or three years and read magazines and papers, listen to the radio and all the other things and the day they leave whether they say they want hard. Mr. Chairman, it is high time to change some of this. We believe hard

MR. CHADDOCK ADAMS (CONTINUING): Labour is added to this amendment I cannot see I will not vote my support, Sir.

MISS ANNIE RILDAH DODDS: Mr. Chairman, with your permission I should like to ask the Honourable Nominated Official Member to his knowledge if there is any stipulation in the United Kingdom Law or otherwise where hard labour cannot be imposed on a prisoner?

HON. WILBERT J. BRADLEY: Mr. Chairman, as I understood the question from the Lady Member, she is asking not whether or not hard labour exists in the United Kingdom, but whether there is anything constitutionally to prevent us imposing hard labour by statute within this jurisdiction.

I have only been here, Mr. Chairman, since last week and to my knowledge there is nothing in the Constitution, Royal Instructions or any other thing which specifically prohibits us imposing hard labour. If Members will remember we did specifically in the Select Committee on Prisons Law insert the words "with hard labour" into the provisions of that Law which were subsequently brought back by the Select Committee to this House, was passed and was assented to by Your Excellency. I am not, of my own knowledge, sure whether we have had the benefit of pre-disallowance yet. Until that arrives I could not give a definitive answer as to the United Kingdom's attitude.

My memory on other jurisdictions is that there was a move to reinstate imprisonment with hard labour about 1977. But for the pre-emption here, because I noticed in the June from 1977 to 1978 the words "with hard labour" were removed on a number of occasions in re-drafting. Perhaps my Honourable Official colleagues on this side could enlighten me?

HON. DENNIS A. FOSTER: All I can tell you, Sir, is that the majority of the amendments in the prison work. I do not recall whether there was any essential reason or why they were removed.

MR. CHADDOCK ADAMS: Mr. Chairman, ...

MR. CHAIRMAN: I wonder whether there is not a slight confusion here. If I have understood the Member for North Side and the Elected Member for the Lesser Islands correctly is that the amendments should be made to words hard and if I have understood correctly that would apply to all prisoners not just for those convicted of misdemeanours under this particular section of the Firearms Law.

MR. CHADDOCK ADAMS: To all prisoners is what I mean and in public .....

MR. CHAIRMAN: If I may just finally rule on the point, namely to move to strike out the words "with hard labour" into one provision Law Law which appears to distinguish between persons convicted under that section of that Law and persons convicted under all other Laws where it does not say hard labour, but to impose wholesale that all prisoners are made to work hard. I think that is perhaps what the Member is after. If that is indeed what the Member is after then maybe the Chief Secretary could rise on undertaking to discuss with the Director of Prisons measures to ensure that prisoners do not obtain light or hard work in public where possible and contemplate without necessarily to insert the particular words that the Member has proposed in this Law and to also the misleading impression that the Legislature intended to distinguish between persons convicted under this section of this Law and persons convicted under all other Laws. Because if you insert the

MR. CHAIRMAN (CONTINUING): ... words "with hard labour" here it does seem to me that you are making a distinction that I do not think you intend.

MR. CHARLES PARKS: Mr. Chairman, I thank you for your guidance and that is exactly what I mean, this not just on this one and not actually altogether that it be followed with hard labour, but in public -- clearing the Government buildings and roads in the eyes of the public.

MR. CHAIRMAN: It may be that the Chief Attorney could give you some sort of undertaking to discuss with the Director of Prisons what could be done to meet the points you have made in which case proposed amendment to this particular clause would probably fall away.

HON. MITCHELL F. HEPBURN: Mr. Chairman, I would ask and I hope fellow Members of the Select Committee on the House of Commons would agree with me if I was wrong that the Select Committee did feel in the particular instance of the Mission ... there that they must specially wanted ... to put those words in as highlight and focus attention in the law to the fact that they considered that the particular offence was of such a nature that it warranted rather special treatment of the offender.

While I did, without remarking the deliberations of the Committee, tell Members at that time that I had certain misgivings as to the attitude of the Mother country towards those words going in. I felt it de rose the wish of the Members unanimously, but it be so.

MR. CHAIRMAN: But I think perhaps Members wished to make a distinction between that law and all other laws which they do not necessarily want to make in the case of this law.

CAPT. CHARLES I. KINGSMILL: Mr. Chairman, we were dealing with the Mission Delegation and the hard labour part of it was intended to crime. This law before us today is dealing with firearms and people who are using to use off the barrel of a gun, who are going to keep more illegally have criminal intent and I feel they should be dealt with equally as harsh as the people running drugs, if not harder.

MR. DENTON D. MASSEY: Mr. Chairman, without making the Chairman rule Law before me it is a bit difficult to debate this issue, but as far as I can recollect this question of sending prisoners to Prisons is covered mostly under the Imprisonment Act. It is not in the Imprisonment Act as the moment, but it used to be. This is the point I am making and furthermore I believe that the question of whether a sentence states with or without hard labour was certainly the province of the Judge. Perhaps going back again to the Imprisonment Act I believe that the section governing whether or not a prison could be sent prisoners to serve his term was dependent on two things, one was the length of the service which had to be I think in excess of six months and the second had to be with hard labour. So I do not think it was unusual at least to find the Imprisonment with hard labour in a law. I am speaking purely from memory, but that is how my recollection of the situation is.

HON. MICHAEL F. HEARTY: Mr. Chairman, on a first quick glance at the Imprisonment Law in reference to hard labour immediately springs to mind is it. It provides more for the establishment of the prison system, the confinement of prisoners, the transfer of prisoners to Canada, the return of prisoners, reception, remission, work and payment, powers

HON. MICHAEL J. BRADLEY (CONTINUING): duties of week-end prisoners. There were amendments made to the Imprisonment Act I think shortly after that, but I do not think those refer to hard labour. I think when the Imprisonment Law was passed in 1975 was the time that references to hard labour were dropped if my memory is correct and I am speaking purely from memory.

What I have said, Sir, is that it was sought in the House of Drums to distinguish and identify particular classes of offences. There is for this Honourable Committee to determine whether they wish to try and extend the principle to fine-arrear offences. I personally, Sir, would be hesitant to receive the certificate of non-delinquency in respect to the House of Drums Bill before we went any further in that type of exercise.

MR. CHAIRMAN: I wonder whether the Chief Secretary could say anything about the possibility of ensuring that as a general rule prisoners are expected to work hard and where possible in public because that might entail some of the Members?

HON. DENNIS K. FOSTER: Yes, Sir, as I said earlier on my of not the majority of prisoners do work for which they are paid a little bittoun as provided under Law that they receive when they come out and we have gone into it in detail that the prisoners work more in the public eye very shortly. Why it was not done before was because we were doing a change over from the British officers to the Caymanian officers and it was not convenient at that time trying to do anything in one shot. But very shortly now, if that is what the Assembly wants for them to be seen and work in public that is easily arranged, we have every intention of doing that. Mind you I am not all the way for it, but if it is the wish of the House it will be no problem whatsoever.

MISS ANNIE HULDAH BODDEN: Mr. Chairman, in the old time, Sir, there was hard labour

(INAUDIBLE - MIKE NOT ON)

MR. CHADWICK BRAMS: Mr. Chairman, until recently we did not have a goal because we did not have any prisoners. We had one man by the name of Jerusha or something like that who was the maintenance man for the Roman Town Hall. He had a shovel and a pick and was chained to a wheelbarrow so that he did not get away. What I am saying, Mr. Chairman, is that I think it is high time that Labour be brought into effect for prisoners. The Honourable Chief Official Member said they are working. With the view to many prisoners doing a bit of gardening around the prison for a bit of their money - in that kind works if this is so, Mr. Chairman. I think that leniency should be applied in other areas too.

MR. CHAIRMAN: I think I have probably been remiss in allowing the discussion to stray really quite a long way from the amendment to the Firearms Law and maybe if some Members wish to private the subject of imprisonment and the type of regime which should obtain within the prison further, it would be better if a substantive motion on that subject were to be introduced in due course. I do not think I should allow further discussion of something that is really rather remotely related to this particular Bill. So unless any other Member wishes to speak further I will put the question that Clause 2 be your number there was an amendment. I will put the question as to the amendment first and the amendment was that after the words "to

MR. CHAIRMAN (CONTINUING): ...amendment for" the words "for a term not exceeding" be added in each of the six places in the Clause in which those words occur. I will put the amendment first.

QUESTION PUT: AGREED. PROPOSED AMENDMENT PASSED.

MR. CHAIRMAN: Now I will put the question that Clause 2 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A BILL NOW A DAY TO AMEND THE FIREARMS LAW (REVISED) (LAW 17 OF 1964).

MR. CHAIRMAN: The question is that the Title do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. BUT TITLE WAS PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1965

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 15.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MR. W. NORMAN BODDEN: Mr. Chairman, the Honourable Member piloting this Bill through the House during the debate had indicated that he had no objection to my recommendation that we change the term to three years in subsection (a) and (b), and with your permission, Sir, I would like to move an amendment that the term be changed to three years instead of five.

MR. CHAIRMAN: So you are seeking leave to introduce an amendment such that the word "three" should replace the word "five" in paragraph (a) and (b) of Clause 2?

MR. W. NORMAN BODDEN: That is correct, Sir.

MR. CHAIRMAN: Leave is granted. The question now is that Clause 2 be amended by substituting the word "three" for the word "five" in paragraph (a) and (b) of Clause 2.

Does any Member wish to speak? I will then put the question that Clause 2 be amended as proposed.

QUESTION PUT: AGREED. PROPOSED AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that Clause 2 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: A BILL FOR / AN ACT TO AMEND THE DEVELOPMENT AND PLANNING LAW (REVISED).

MR. CHAIRMAN: The question is that the Title do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes our considerations in committee. The House will now resume.

RESUMPTION

MR. PRESIDENT: Please be seated.

ADJOURNMENT

HON. DENNIS E. FOOTE: Mr. President, I would like to move the adjournment of this House until 10:00 o'clock tomorrow morning, but before you put the question, Sir, I would like your indulgence to say just a few words.

This morning you kindly thanked the Members of this Legislative Assembly for their consideration, hard and hard work. You offered congratulations to me on their behalf and this afternoon, Sir, I would like on behalf of this Legislative Assembly to say a sincere thank you to you as well, Sir. Your patience on the whole visit we could not have done without. You kept things streamlined the whole time and I am sure everybody joins me here in unison in you too much we appreciate it. There were many, many nights that I knew you took home plenty of work and brought back plenty of ambition the next morning for me to see that certain things were done. I think if you had not put in these many hard nights, Sir, many things might have come undone so I just say the first to you sincere thanks and gratitude for your perfect guidance in all things and hopefully, Sir, apparently Members are not aware that Her Majesty also awarded you the C.V.O. as well and on this we congratulate you and we are most happy that she saw fit to give that to you.

Again, Sir, I am sure everybody joins me in thanking you very much for your leadership, Sir, is all I can say on the whole visit. It would not have otherwise have gone as smoothly as it has.

Thank you.

HON. G. ELIE DUBOIS: Mr. President, on a different matter on the adjournment motion. I understand from the minutes of the Business Committee which we have just received that it is anticipated the business will be spread over the entire week until Friday. I am wondering, Sir, if all the remaining items to be set down for business tomorrow, from the length of the Throne Speech, I do not anticipate there will be very much debate and it would be good if all remaining items could be put down for tomorrow so that we may finish, if possible, the business of this Sitting tomorrow.

HON. MICHAEL J. HARRINGTON: Mr. President, much as I am in sympathy with my honourable friend for trying to shorten the Sitting by

HON. MICHAEL J. PEARSON (CONTINUING): Thursday morning, there are certain technical difficulties in that several of the Bills have not yet been published and we would require Standing Orders to be suspended to have these debated. Not only that, but if Ministers were given copies to the speeches and notes to the Most Gracious Speech from the Throne then the Bills not only would have to have Standing Orders suspended on Thursday because of consideration, but also to enable all the stages to be taken in the one day.

I am in general, Sir, against the principle of suspending Standing Orders unless absolutely necessary and we have enough with a degree of urgency for these Bills to be published in the Gazette which do require out today and that was taking time with the view to having them set down for Thursday. I have also put down a motion for Thursday, Sir. It may be possible if we sit on Thursday that we could then take all the stages of the Bills which have been published today on Thursday, but I think we must at least sit on Thursday, Sir.

MR. SPEAKER: I wonder whether, it is only a very minor point but it might help to help me, we could do third readings of today's Bills tomorrow which does not seem to be down on the Order Paper. If that were the wish of the House that would help them on. I do not know about the Private Member's Bill, has that been published and is that capable of being introduced.

It has not been published, I see. I am in the hands of the House.

HON. DENNIS E. FOSTER: I think what confuses one momentarily is that Wednesday is a public holiday.

MR. SPEAKER: I do not know how long Members will wish to take to debate the Most Gracious Speech.

HON. MICHAEL J. PEARSON: Pardon, Mr. President, the Remuneration Tribunal proposing the Private Bill could indicate its urgency. It could be that we could get it published and deal with it in the normal way at the next Sitting or do it by the time of the Church Commissioners to have it assented to at this Sitting?

HON. THOMAS M. BOSSEY: Mr. President, I believe the Church would prefer to settle matters this time and I had worked out a series of motions that would deal with matters the procedure of the Private Bill similar to that of a Public Bill and excluding the Select Committee which has been done in the past on non-controversial Bills. So subject to the Private publishing it, I have the assurance has already done so, I would have to ask for your leave to proceed this petition this time and then to move on and just deal with it on Thursday as set down, Sir.

MR. SPEAKER: Assuming then as a proposition that we have for tomorrow the remaining questions and the vote of thanks to Her Majesty, the debate on the Throne Speech, and the third readings of the Bills that we dealt with in first and second readings in committee plus Orders and can have for we can get with the remainder business on Thursday if we propose to finish it on Thursday suspending Standing Orders if necessary to enable all these matters of the remaining Bills to be dealt with on that one day. If it is the wish of the House to deal with them that one day, so be it. If not we can until 2:30 on Friday. Would that be reasonable and agreeable to

MR. PRESIDENT (CHRISTIAN): Hearings? I sense that is the wish of the House.

The motion is that the House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: (VOICE). IT WAS AT 5:45 P.M. THE HOUSE ADJOURNED UNTIL 10:00 O'CLOCK SUNDAY MORNING THE 22ND OF FEBRUARY, 1981.

STATE OPENING AND FIRST MEETING
OF THE 1983 SESSION OF THE LEGISLATIVE ASSEMBLY

(THIRD DAY - TUESDAY, 22ND FEBRUARY, 1983)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CMG, OBE

GOVERNMENT MEMBERS

HON DENNIS E FOSTER, CMG, OBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J HANDLEY, ED	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
* HON JOHN H McLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
** HON STUART M DONOVAN	MEMBER FOR MARINE NAVIGATION AND SOCIAL SERVICES
*** HON JAMES M BODDEN	MEMBER FOR TOURISM AVIATION AND TRADE
HON C WAIT BODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CRESTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D KENNETH JACKSON	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR PERCY O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR V NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ALMIE ROLDAN HARPER, 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 CHADDOCK RICHARDS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

*(Arriving at 2:42 p.m - afternoon session)
**(Arriving at 2:36 p.m. - afternoon session)
***(Arriving at 2:45 p.m. - afternoon session)

ORDER OF THE DAY

THIRD DAY - TUESDAY, 22ND FEBRUARY, 1983

1. QUESTIONS:-

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.4: WOULD THE MEMBER STATE WHETHER ANY PERSONS WERE CHARGED WITH OFFENCES OF LITTERING IN 1982?

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.5: CAN THE MEMBER STATE THE TONNAGE OF SHIPS REGISTERED UNDER THE CAYMAN FLAG AND WHAT IS THE PERCENTAGE OF CAYMANIANS EMPLOYED ON THEM?

2. VOTE OF THANKS TO HER MAJESTY THE QUEEN FOR HER GRACIOUS SPEECH FROM THE THRONE

TO BE MOVED BY MR. CRADDOCK EBANKS OBE, JP MEMBER FOR NORTH SIDE

MR. PRESIDENT, I BEG TO MOVE THAT AN HUMBLE ADDRESS BE PRESENTED TO HER MAJESTY, AS FOLLOWS -

MOST GRACIOUS SOVEREIGN, WE, YOUR MAJESTY'S MOST DUTIFUL AND LOYAL SUBJECTS, THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS IN THE FOUR ASSEMBLED, ARE HUMBLY TO OFFER OUR HUMBLE THANKS TO YOUR MAJESTY FOR THE GRACIOUS SPEECH WHICH YOUR MAJESTY HAS ADDRESSED TO THIS LEGISLATIVE ASSEMBLY.

I ALSO MOVE THAT THE DEBATE ON THE THRONE SPEECH COMMENCE TODAY.

TO BE SECONDED BY MR. DALKEITH EBANKS, SECOND ELECTED MEMBER FOR WEST BAY

DEBATE ON THE THRONE SPEECH

3. GOVERNMENT BUSINESS: -

(a) The Statute Titles Revision (Amendment) Bill, 1983	REPORT STAGE
(b) The Traffic (Amendment) Bill, 1983	REPORT STAGE
(c) The Summary Jurisdiction (Amendment) Bill, 1983	REPORT STAGE
(d) The Police (Amendment) Bill, 1983	REPORT STAGE
(e) The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Bill, 1983	REPORT STAGE
(f) The Firearms (Amendment) Bill, 1983	REPORT STAGE
(g) The Development and Planning (Amendment) Bill, 1983	REPORT STAGE
(i) The Statute Titles Revision (Amendment) Bill, 1983	THIRD READING
(ii) The Traffic (Amendment) Bill, 1983	THIRD READING
(iii) The Summary Jurisdiction (Amendment) Bill, 1983	THIRD READING
(iv) The Police (Amendment) Bill, 1983	THIRD READING
(v) The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Bill, 1983	THIRD READING
(vi) The Firearms (Amendment) Bill, 1983	THIRD READING
(vii) The Development and Planning (Amendment) Bill, 1983	THIRD READING

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TUESDAY

22ND FEBRUARY, 1983

10:00 A.M.

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

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. 4: Would the Member state whether any persons were charged with offences of littering in 1982?

QUESTION ANSWERED BY HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

ANSWER: One person was charged in 1982 for littering.

SUPPLEMENTARIES:

MR. D. DALMAIN EBANKS: Supplementary, Mr. President. Could the Member say whether Government has any plans of tightening up on this littering Law?

HON. D.H. FOSTER: Yes Sir. Since then we have introduced a new law with much heavier fines. I think that it was at the last sitting of this House that we went through this littering law and we are certainly tightening up right now, Sir.

MR. CHARLTON EBANKS: Mr. President, a supplementary. Could the Member say what was the result of the charge?

HON. D.H. FOSTER: Yes Sir, the case was dismissed.

MR. CHARLTON EBANKS: Further supplementary Mr. President. Could the Member say on what ground was he dismissed?

HON. D.H. FOSTER: No Sir, I really cannot, but as a result of that is why we brought in the new legislation. Recently a technicality of law, as a result of that is why we brought in the new legislation. But I think that I must say that as well, that it is impossible for the police alone to enforce some of these laws, this is one, because people are driving on the street throwing bottles out and there is a car behind. I think that the car behind has a duty, and I think that they should get the license number, check the time and date and report it.

MR. CHARLTON EBANKS: Mr. President, I am agree with what the Member is saying. I will elaborate on some of this in my thinking during the debate later.

MR. PRESIDENT: If there is no further supplementary, may we move on to question number five.

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER OR EXECUTIVE COUNCIL RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO 5: Can the Member please advise the tonnage of ships registered under the Cayman flag and what is the percentage of Caymanians employed on them.

ANSWER: The gross tonnage of ships registered under Cayman Flag is 861,000.
The majority of these are small private yachts mostly requiring no additional crew as they are operated by their owners. Caymanians employed are less than ten percent.

SUPPLEMENTARY

MR. DALMAIN EBANKS Would the Member say if Government has any plans for examining these ships that are registered under the Cayman flag, what the flag is now being used just for convenience.

HON. THOMAS C. JEFFERSON: The answer Mr. President, is that at the moment we are examining the registry of shipping with a view to looking at all aspects of this operation.

MR. PRESIDENT: If there is no further supplementary question, may we move on to item number two in todays order paper, the vote of thanks.

MR. CRADDOCK EBANKS: Mr. President, I beg to move that an humble address be presented to Her Majesty, as follows -

MOST GRACIOUS SOVEREIGN, WE, YOUR MAJESTY'S MOST DUTIFUL AND LOYAL SUBJECTS, THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS IN THE HOUSE ASSEMBLED, BEG LEAVE TO OFFER OUR HUMBLE THANKS TO YOUR MAJESTY FOR THE GRACIOUS SPEECH WHICH YOUR MAJESTY HAS ADDRESSED TO THIS LEGISLATIVE ASSEMBLY.

I also move that the debate on the Throne Speech commence today.

MR. D. DALMAIN EBANKS: I move second motion.

MR. PRESIDENT: The motion is that an humble address be presented to Her Majesty as follows -

MOST GRACIOUS SOVEREIGN, WE, YOUR MAJESTY'S MOST DUTIFUL AND LOYAL SUBJECTS, THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS IN THE HOUSE ASSEMBLED, BEG LEAVE TO OFFER OUR HUMBLE THANKS TO YOUR MAJESTY FOR THE GRACIOUS SPEECH WHICH YOUR MAJESTY HAS ADDRESSED TO THIS LEGISLATIVE ASSEMBLY.

And that the debate on the Throne Speech commence today. The motion is now open for debate.

DEBATE ON THE THRONE SPEECH

MR. W. WORMAN SCOTT: Mr. President, I rise with humble pride to make my brief contribution to the debate of Her Majesty's Most Gracious Speech delivered to this Honourable House last Thursday.

I have found it somewhat difficult Sir, to deal with Her Majesty's Speech without touching on her deeds and matters relating thereto. So I beg your indulgence if I seem at times to combine the two.

MR. K. NORMAN SOLOMON (CONTINUING): I count it a privilege to have been present as a Member of this House at this historic occasion when Her Majesty our Queen personally addressed for the first time her people, 'The People of the Cayman Islands'. And I do sincerely hope, Sir, that Legislative Assembly Members for generations to come will continue to have this right of being able to refer to the Ruling Monarch of the United Kingdom as our Queen or our King as the case may be.

I, too, Mr. President, support the position that the safe way for the Cayman Islands to maintain the reputation as a progressive and prominent community in the Caribbean is to preserve at all cost our Crown Colony status which represents the stability of this country. Any move to independence would only fulfill the ambitions of the few but create unrest and uncertainty in the lives and minds of the many.

The resounding response from the crowd last Thursday to the Lady Hamper's speech has undoubtably etched an indelible image in the memory of Her Majesty the Queen of a people of a tiny colony in the Caribbean who are not only proud to be but wish to remain a Crown Colony.

Mr. President, Her Majesty's first visit has been highly hailed far and wide as a tremendous success. A success due in very large measure to the combined efforts of Government and the entire community which once again demonstrated that our people still possess that ability to put aside party differences and work towards a given goal an asset which we cannot afford to lose.

A success story, Sir, that is bound to be the result of professional planning efficiently carried out, with you Sir, and our Chief Secretary topping the list. The planning committee who did a tremendous job of selecting a route that enabled all Caymanians and all persons on this Island the ability to see Her Majesty if they so desired. The Police Force and its volunteers did a tremendous job. The Public Works Department, the National Council of Social Services, the various clean up committees and service clubs, right down to the public whose behaviour and co-operation were exemplary of loyal citizens extending a loyal welcome to our Queen. Obviously, Sir, an occasion of this magnitude and importance involves too many to mention them all, but I do want to take this opportunity to sincerely congratulate you Sir, and our Chief Secretary on the honour which Her Majesty has seen fit to bestow on both of you who have shouldered so much of the work and responsibility in connection with this visit. I also congratulate Police Sergeant Burl Ebanks as well as Commissioner Stevens and his Police Honor Guard on their well turned out Royal Cayman Islands Police, all very appropriate recognitions for a job well done.

Mr. President, Her Majesty's Speech though short was deep in scope and wide in its coverage of just about all departments of Government. It was pleasing to note that the Police Service will continue to be strengthened and supported through various programmes. I have said it before, and I will repeat it again, that fighting crime is everybody's business, and building a strong efficient Police Force is no simple task, but the key to maintaining law and order in any society, and in any country where there is respect for the law, their future remain bright.

It is true that there has been some very serious crimes committed here recently which are to be expected in a changing society, and there will no doubt continue to be other incidents, but if our Police are supported and equipped to combat this evil element in our society then the necessary controls can be maintained so that public safety does not become an ugly problem. The fight against drugs cannot be relaxed and this too demands the best in ability, dedication, and experience against a business that has become highly organized, sophisticated and complex.

Education. It is encouraging to note that a programme is being developed in the area of special education, as we cannot afford to forget the mentally and physically handicapped. They too must be prepared to cope, and in many instances can become useful individuals with a purpose in life.

MR. W. NORMAN HOGGE (COUNTRY): Neither can the needs of our youth be neglected. There appears to be a growing restlessness amongst many of our young people which causes us some concern. Their energies need to be harnessed and channelled in the right direction. This calls also for more community commitment in listening to what our young people have to say and Government action in helping to meet those needs where possible. Promises will no longer suffice. Facilities must be provided for the growing number of youth interested in the field of sports.

I know that the Sporting Complex has been heralded for and some are looking forward to this becoming a reality. However, there are also those who have expressed the opinion that this complex is somewhat premature and that the monetary and especially proper maintenance of the smaller playfields in each district would prove less expensive, but more beneficial to everyone. Perhaps a second look at this by the Member and those responsible may prove useful.

The National Council of Social Services has certainly made a most valuable contribution towards help for some of the elderly. The Pines Retirement Home fills a long overdue need. I have the greatest respect and admiration for the Hon. Chairman, Mr. Richard Lech, his secretary Mrs. Hilda Miller, Mrs. Anderson and all the many citizens who have given so much of their time, talent and money in order to make this a reality. But this is just the beginning. This home, its operation, the expansion in time to come on the construction of others like it requires continued support from all of us.

Recreation and Welfare. The second home that has been discussed for some time now is really needed and should be actually started as soon as funds are available so that our young people in trouble will not have to be sent overseas. While it might be somewhat sentimental to envision this, it is my opinion that influences have a lasting effect and if they are raised in this country where they are kept in touch with their own people who care and surround them with supervision then the results are bound to be more favourable.

Sports and Tourism. The improvement in sport facilities and the continued assistance in offering a better product to our tourists have my wholehearted support. It is true that this has become a highly competitive industry and as the tourist dollar resides almost every corner of our economy, its importance cannot be over emphasized.

Public Works Department. This is one Department I feel, Sir, that has not always been given its fair due, but I am pleased to see that its work was fully appreciated in Her Majesty's Speech. I feel that its Director and staff have provided and will continue to provide a most valuable service to this country. This is evident by the heavy workload they are carrying this year and yet the very positive and efficient manner in which they responded to the responsibilities placed on them in connection with Her Majesty's visit.

The new road linking North Side and East End is an outstanding accomplishment that we would have thought impossible just a few years ago; not to mention the higher cost that would have been involved had the expertise and experience now available at PWD been imported. They are to be commended and I do so now.

The Civil Service. I certainly support and appreciate the view that in general we have a Civil Service of which we can be justly proud. It is true that in any organization there are always those who are not interested in work but just a job and a pay cheque. But let us not forget that there are those dedicated Civil Servants who provide the many various services required by the public

MR. V. NORMAN BODDEN (CONTINUING): which at best are demanding and thankless tasks. Let us continue to highlight their accomplishments, not emphasize their shortcomings which we all have. They form the backbone of Government and they too need encouragement and support.

Mr. President, although not directly mentioned in Her Majesty's Speech, I would like here to make mention of Hurricane Ognon. The wide coverage of the Royal Visit was international, informative and professionally conducted. I have heard many favourable comments from the public on this and I believe that it proved to be a special blessing to many of our elderly and shut-ins who could not manage to get out and see their Queen.

Another item, Mr. Speaker, that our Island has been relieved of some of perhaps through much effort, sacrifice and expense by Government and the entire community, we would like not only to have it that way for ourselves and for our visitors alike and I would hope that the powers that be can rightly enforce the letter law and I am relying on our entire community to support everybody concerned in this. We should have order in our home and keep it in the proper manner.

Finally, Mr. President, I believe that friendly relations with our neighbouring countries will continue; that services from the United States of America and Cleveland and other destinations from the United Kingdom will continue to be made available to, so we long as we do not experiment with the dangerous and dumb that have clearly proven to be a detriment to many of the countries around us. The human intake with its limited resources and keen dependence on foreign investment is too small a country to survive this nor can it be assumed to make new memorable dominant once it has taken the downward road.

One thing for sure, Mr. President, whatever the future holds for us, the Royal Couple's Visit and Her Majesty's Speech and regal charm will long be remembered with pride in the hearts and lives of a great majority of Caymanians as will all others who live and work here.

Thank you.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I am very happy and thankful that the visit of Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip the Duke of Edinburgh was memorable and successful. They brought joy and happiness to all of us.

A visit from our reigning monarch is an historic and momentous occasion which will always be cherished. She could bestow no greater honour on this House than to meet the Throne Speech in person while she was here. Our Queen is no longer a fairytale figure living in a distant land; we have seen her in person and know that she is a human being who cares for her people wherever their origin.

The Queen's visit has brought new life and meaning to our people and the benefits that will come to us as a result of this visit will enrich Caymanians in the years to come. She endeared herself to all who had the privilege of being presented to her, the school children and the crowds who eagerly waited to catch a glimpse of her. This Royal Visit will have made many of our people realize how blessed and fortunate they are to have Her Majesty as our Queen and protector.

I am very proud to be a citizen of these Islands because of our close relationship and strong ties with our mother country. It is my intention to nourish and strengthen our bond and to remain part of the great heritage also cherished by our forefathers.

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): All sound sober thinking Caymanians must realize the great advantages to derive from our close ties with the United Kingdom, our mother country. We know that should the occasion arise when we need help we will have it immediately.

I wholeheartedly agree with our Honourable Lady Member when she told Her Excellency the Governor on Thursday the 17th of February, 1972 that, "We desire to remain a British Crown Colony and we do not want to have our status changed ever, ever, ever". I was not concerned when this statement received such a tumultuous applause as this is the true feeling and desire of our people. If there is anyone in this Honourable House or in the Islands who have ideas of breaking our ties with our mother country and going for Independence, the resounding applause and support for the Lady Member's statement should cause them to pause and think again.

What we must do is to strengthen our relationship as this is the foundation on which our success as a prosperous and prominent community is built. It grieves us the stability which is the key to our success. It would be impossible for us to remain stable in this disgruntled area where we have the evil threat of communism on every side.

The National Islands Fund. We should all feel very proud that our donation to the National Islands Fund was accepted in the spirit in which it was given. I am sure that our friends are happy that our gift was forwarded to the South Atlantic Fund where there are many families of those who made the ultimate sacrifice will benefit from our efforts in some small measure. Undoubtedly Fox Mulcahy discovered during his short visit that Caymanians are loyal subjects who sincerely supported the cause of the mother country.

Private Sector. The best way to maintain cooperation and confidence with the private sector is to assure them that we intend to remain a Crown Colony with constitutional links to the United Kingdom. This, as I have already said, is the key to our stability and is sure way to retain international confidence in our Islands.

Cayman Brac and Little Cayman. While much has been done to build on the infrastructure of Cayman Brac and Little Cayman there is much left to be done before orderly economic development can take place. The pace of development has not been as rapid as I had hoped, but nevertheless each accomplishment has been a step in the right direction.

Harvard-Smith runway still has 1,000 feet left to be paved and the shoulders are not yet up to international standards. To my knowledge there has been no further mention on the loan which Government applied for from the European Economic Community which will be used to build a new terminal building.

The Administration Building which was started in 1970 has not yet been completed. Mr. President, I do not intend to be unduly critical, but something should be done to speed things up. I know that since the Royal Visit is behind us the Public Works Department will have more time to devote to the completion of both Cayman Brac and Little Cayman.

Good progress has been made on the new Bluff Road, but it is still in the rough and has to be brought up to standard before the true benefits can be realized. I am requesting Government to complete the road east and west on either side to be extended in either direction, either by Government or otherwise interested in the development of the Islands. I would like to see Government open the road from the Bluff cross-road west so that the people who own and cultivate land in the western districts will be afforded the same consideration as those who are living in the eastern districts and the people will benefit as a result.

CAPT. CHARLES L. KIRKCONNELL (CAYMAN): The sister Islands have great potentials in an improving world economic climate, but this will never be realized until a plan is formulated outlining out the course which would allow orderly planned development. I feel that Government should approach one or two of the smaller lines' executives in order to include Cayman Brac and Little Cayman on their regular weekly schedules. Of course before this would be possible, improvement would first have to become the landing facilities at the west end of Cayman Brac and a landing site on the north side of Little Cayman.

The lands for these two airplanes have been included in the 1969 Estimates, but action needs to be taken to get them started. Once these airstrips are completed they would be clear for both Islands to accommodate smaller skips. The sister Islands would help now in order that our people will find employment once Government's programme have been completed.

The Police Force. I offer hearty congratulations to our Police Force on attainment of naval status; attributable to no small part to their outstanding performance during Her Majesty's visit.

Legislation. With the enactment of new legislation and amendments to our present Laws, we on this side of the House are once more asking that we be given ample time to study them and evaluate their ramifications before they have been rushed through this House without due consideration. I feel that it will have saved time and it will avoid bringing them, many of them, back to this House for amendment.

Health, Education and Social Services. I was delighted to see the progress that has been made in the area of special education of the mentally and physically handicapped and would like to offer my congratulations to all concerned. The Pines Retirement Home Project for our senior citizens is one that was badly needed and I am happy to know that it is now in operation. Much credit must be given to all who donated land, talent and money to make it possible.

The performance of our Public Works Department during 1968 was excellent and may they continue to uphold their high standards during 1969. I would specially commend them for successfully completing the many projects which they undertook prior to the visit of Her Majesty the Queen.

In conclusion, Mr. President, I would like to record my sincere appreciation and thanks to both yourself and your good wife. You both did an outstanding job representing our Islands and our people. I take this opportunity also to say congratulations and thank our Chief Secretary for his many days of sweat and toil on behalf of our Islands and the people. The time, efforts and hard work which were put into preparation bore good fruit.

Mr. President, may we continue to work together for the good of our Islands and its people and may God give us the courage and wisdom to direct our Islands in the right way.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Captain.....

CAPT. MARY S. KIRKCONNELL: Mr. President.....

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

CAPT. MARY K. KIRKCONNELL: Mr. President, I rise to offer my contribution to the Throne Speech debate and to the Honourable House

CAPT. MARY E. MCKONNELL (continued): by Her Majesty Queen Elizabeth II on the 17th of February, 1953 with great pride and with great humility. But, Mr. President, before going into this I would appreciate your indulgence if I may give a few remarks first.

Mr. President, I would like to congratulate you for the able leadership and the way in which you presented yourself during the Royal Visit. It must much to be said and made it a success.

I would also like to express my gratitude and the gratitude of my people to your wife, Mrs. Lloyd, for her contribution and to the Chief Secretary and the committee for the many long hours, weeks, months of planning and hard work that went in to making what I remember almost a night that went without a hitch.

I would also like, Mr. President, to congratulate you and the Chief Secretary on the award presented to you both by Her Majesty which I consider greatly deserved.

I would also like to congratulate all the people who attended for the very fine discipline displayed. It made us truly proud of all Caymanians and our visitors for the great respect shown to Her Majesty and His Royal Highness and the great dignity of proper conduct.

I would like to thank Government for providing charter flights to bring school children from Cayman Brac and Little Cayman to see the Royal Visit and also for the charter they paid for, for the less fortunate people of the Lesser Islands to come to Grand Cayman and for the many invitations to our people in order for all of us to have an opportunity. Unfortunately some could not attend, but I think we must appreciate the efforts made by all and it has generally been appreciated by the majority of my people.

Mr. President, words cannot express my true feeling of gratitude and appreciation to Her Majesty Queen Elizabeth II, our Queen, for her visit to the Cayman Islands. Her Majesty and His Royal Highness the Duke of Edinburgh in our country and in this Honourable House is truly one of the most historic occasions in our history and that I am sure will be remembered by all and has truly declared around the world.

Her Majesty's reading of the Throne Speech for 1953 in this Honourable House was indeed a privilege I never expected to have as an Honourable Member when I was elected, but certainly it will be the highlight of my term of office. This honour and privilege will be shared by all the people of the Cayman Islands, those living at home and also those residing overseas.

Mr. President, Miss Annie Huldah Bodden, OBE, Lady Member for George Town, very ably expressed my views to Her Majesty. I could not elaborate long enough to express my true feelings on the great benefits we derive being a British Crown Colony and it is my hope, Mr. President, that this, as the Lady Member said will go on for ever and ever and even without our close association with our mother country I think our future would be rather dim. I ask all Honourable Members of this House and those who aspire to be Members in the future to remember that the secret of our success has been our very close association with our mother country and no efforts should be made by any to attempt this close association. Mr. President, it is my sincere desire that this colony will continue to be a British Crown Colony for ever.

Consultation between Government and the private sector has enabled our economic development to continue at a steady pace. This is true throughout the three Islands and this, Mr. President, is made possible again by our status with our mother country. The security investors have is why we are able to move ahead in the private sector. We look at the situation in the great industrialized nations of the world which have major unemployment, recessions and

Capt. Hon. K. KIRKCONNELL (continued): dimensions and as a very small community in the Caribbean are having economic success. This is a great achievement and a tribute to our Government and to our association, again, with our mother country.

Mr. President, it was very encouraging to learn from Her Majesty that the investment and infrastructure in Cayman Brac and Little Cayman will continue during 1981. We are the first to admit that much progress has been made in the infrastructure in Cayman Brac and Little Cayman in recent years. Projects now under construction and others on the planning board will help this to continue. It will lay a firm foundation for the orderly economic development. We are grateful to our Government for the accomplishments since the most recent and we look forward to your official opening of our new Government Administration Building early next month.

We are also grateful for road improvements on the Lee Farm, on the Bluff road in Little Cayman. Mr. President, if we continue construction of the road on the Bluff it will play a very important role in the economic development of Cayman Brac. Already new divisions are being sub-divided and being made available for sale on the roadside here so far been completed.

I would ask our Government to make immediate plans to create and to survey the routes the roads will follow in an easterly direction from where construction has already been started and also from the cross-island road to the west end of the Island. It is my desire that this road be a reality from the west end of the Island to the east end. The direction in which new construction progresses is not important as some of my people will benefit from which ever direction it should go. I just ask that the construction continue and that it be surveyed in order that the true value of our land can be derived and that when property be sold, owners who have held it in their families for generations, will benefit by the higher value.

The improvement of the landing facilities in Little Cayman is greatly needed and I hope that progress will be made towards the lease of the property and the construction of the improved landing sites.

Mr. President, a great need we have in the Sister Islands is an improvement in our communications system. Our telephone and telex service continues to deteriorate. We enjoy the same poor situation as the people of Grand Cayman for a much inferior quality service. Improvement in this field is urgently needed and I sincerely hope that the private company which has the franchise will endeavour to make improvements in this field.

Completion of our airport runway is very essential and I sincerely hope that the servicing of this will be done in the very near future. We continue to work hard on finds for the airport terminal and hope that that will be forthcoming in the not too distant future for with the completion of the Government Administration Building there is going to be a problem with unemployment if some other project is not able to start.

Police service. Our Police Force has been highly honoured by Her Majesty in granting that Royal be added to its name. I too would like to congratulate Commissioner Stevens and his force on the progress they have made throughout the Department and for the commitment way in which they performed during Her Majesty's Royal Visit. I should also like to express congratulations to the Special Constabulary for the able service it has rendered to the community and make special reference to their big service during the Royal Visit.

Agriculture. Much progress has been made I think we owe a lot of gratitude to the panchalls for the efforts put forth in the past year. It is my hope that a demonstration farm

HON. HARRY S. KIRKCONNELL (CONTINUING): and ordinary services can be established on Cayman known what it is possible.

Mosquito Research. The fact that mosquito research is now active in all three of the Cayman Islands is a great satisfaction to all. All of us know the great benefits that they have offered here, particularly in Grand Cayman and it is my sincere hope that their fight against the mosquito population will continue to be a success in the future as it has been in the past.

Our Health Services have improved greatly and in time goes by it is my hope that we will be able to provide a multi-storey hospital complex which will provide for the needs of our people and give our medical services the priority it needs.

Water and Sewerage. No greater need is felt in these Islands than for a proper water supply and sewerage system. This Law as passed during 1982 will enable this to be a reality and I hope it will be done as fast as possible.

I would like to congratulate all who have had part in the establishment of the Handicapped School and their assistance to the mentally and physically disabled. This is a field that has been neglected in decades past and it is a service that merits special attention so I congratulate all who have made an effort to help these unfortunate children.

I would like, Mr. President, to also mention our Trade School. I feel this is a valid establishment. It is helping to provide better services to the tourist industry and also better equipped craftsmen to earn their living in the private sector.

National Council of Social Services. The National Council of Social Services has made great contributions in past years and I would like to congratulate all who have been active in that work. The opening of the Elmslie Retirement Home by Her Majesty the Queen was an historic occasion, also the establishment of a home for equality on historic occasion. It made me very proud when I visited it to think that now our senior citizens will have such beautiful accommodation and it is my hope that it can once and surely the needs in this settlement area.

Mr. President, North Sound is now much unmentioned in my district and I feel it my duty to congratulate them for the service which they render throughout the year and I would like to offer special thanks to them for their New Point Visit arrangements and also for the lovely welcome which they give on the Point Night. It enabled my friends, though not here in person, to be able to listen and to hear exactly what was going on and to be a part of the Point Visit.

Mr. President, I would like to take this opportunity to congratulate the Civil Service for the excellent performance and thank them for their hard work and ask that they continue their efforts.

Mr. President, in conclusion I would ask all honourable Members of this House that we unite together for the betterment of the Cayman Islands. We have been greatly blessed and we are a fortunate people to be enjoying the economic prosperity and all the many privileges that we have. As a Britain Crown Colony we have a great future ahead of us. Let us ask Almighty God to guide us in our deliberations in this Honourable House and throughout our activities and we pray for continued prosperity and a very close association with our mother country.

Thank you, Mr. President.

MISS LINTT HOLDAY HOOPER: Mr. President, first of all I would like to congratulate you, Mrs. Lloyd and your entire staff and all the people who have done such a grand job in preparing for this Royal Visit. I feel that we have not let ourselves down. We have behaved in a manner which I think would please the Queen and everybody else and above all I think we have stepped God for the behaviour which was exhibited during this time.

Mr. President, I was very fearful of what might happen and I made it a matter of daily prayer to ask God to protect our Dominion while She was here, to keep the crowds orderly and to have Her way in all that we did. I was indeed touched by the way responses which I had for my speech to Her Majesty I intended to tell Her Majesty the Queen that was born on my birthday, but I thought that the words would say that is a matter of record. So I took my cue by Our Prayer. I believe, Mr. President, in the Bible and one of the verses which I quote almost daily is this: in Proverbs 3 - verses 5 and 6: "Trust in the Lord with all thy heart and lean not to thine own understanding, in all thy ways acknowledge Him and He shall direct thy path".

Mr. President, as you know I have some difficulty with my legs and I asked and asked God to let me have the strength to stand up and above all to put the words in my mouth as to what I should say. I want them (the crowds) not knowing exactly what I would say, but I can truly say that God put the words in my mouth because I am very sure that what I said was the Queen's desire of every time Commonwealth and that is that we remain a British Queen Colony.

I for one am very proud of the fact that we have such a privilege. Such being, the greatest nation as far as I am concerned that ever was on God's green earth, we owned us, these little specks of sand in the Caribbean, we their children. We have a great privilege and I feel that they must be out of their minds for anybody who would want to secure that association.

I am indeed very happy to be a Member of this House, Sir, and for twenty-one years (I think it is from 1962) I have been here and I am very sure that if elections were this week I would walk in running first for George Town. I am not so sure of 1984.

Mr. President, I feel that we in these Islands have all greatly privileged to have the Governor, I call him, Uncle Will (and you Mrs. Gosch - so important, also in her charming, she is so humble, she is everything that a true lady should be. We as Caymanians are very proud that we have such a fine Governor.

Now, Mr. President, when I saw the picture of the Royal Yacht Britannia I admired Lady Diana in her beautiful gown, but those whom I admired most were those three men in their uniforms. It gave me a thrill and it was also a very great thrill to see Prince Philip without his uniform.

I am very sure that the whole world must appreciate our efforts in sending that money to the Falkland Islands, the land in the South Atlantic and I feel, Sir, that every time Caymanian remembers of how small their contribution was it was a gift from their heart. Some people might think that they prompted the Queen to visit us. I am sure that was not the reason she came. She knows our love for us and her duty which she feels. I am sure that we in the Cayman Islands have had a place of respect in the great commonwealth of nations. We are so small, so insignificant before we attained this prosperity, but nevertheless we had patriotism and I have and very and trust that

MISS ANNIE HOLDS A HUMAN FOUNTAIN(?) And will have cause her to reign over us and the successor who was some other. King or Queen - I suppose it will be a King, that they have the same love and loyalty as I feel the Queen has towards them. Have little people of mind in the Caribbean.

Mr. President, I am very pleased that the Police Department has been honoured by having the word Royal attached to their name. We criticise the police, including myself sometimes, but I feel that in this instance they have done a noble job and the way that acted and conducted themselves they are richly entitled to have Royal put before their name.

Mr. President, we on Cayman've never had the privilege of being too highly educated. That was left to the rich and influential who could send their children abroad, but the ordinary Caymanian had to be content with some of them barely knowing their ABC's. Nevertheless education has increased to the point where we can all be proud of our accomplishments. I have and pray that we shall be able to continue to provide this service.

The health of our Islands is very important and we have facilities which I think any small Island, in fact any Island, could be proud. We have the hospital and I am very sure that not one human being has ever been turned away from that place because they did not have the money to pay their expenses. We are a fortunate people that God has richly blessed us. We have no troubles. When I listen to the radio and hear about floor raging, some unknown disturbing people and have us are relaxing, rich and happy and we are a very fortunate people.

Now, Mr. President, I should like to congratulate the Civil Servants on what they have done as mentioned, Mr. President, some time ago before your coming to us on one occasion I said in this Honourable House that the Government of the Cayman could carry on for better without Legislators than without Civil Servants. I was almost eaten alive because some thought that those twelve Legislators are the ones who have the control of everything. I know better than that and I feel that our Civil Servants have played a noble part in keeping these Islands' where they are. In the olden days, Mr, they worked for a mittance, but lately we have been and it is due to those and those who have followed, that we are where we are today.

Now, Mr. President, the current inflation. I am very proud of the fact that we have this facility. Without it we would still be in the backwoods and, although it is a very costly commodity, nevertheless I do not feel and we would never advise that we should cut this service. It is expensive, but so is education and other things. What I feel is that we should have this airline as privately controlled - that it could be a little less expensive. We should try to subsidize in any way that we can, but certainly never to give up the service.

Mr. President, there is not one Government in Government that I think does not deserve credit. The Public Works Department has performed a noble job and there is one little young man, I do not how little he is but he is a young man that I think deserves extreme credit for his accomplishments, Mr. George Manderson. I feel that he as a Caymanian from very ordinary birth and with no advantage to speak of, no college degree, he is doing a noble job. I am very proud of him and I am very proud of all the others who have laboured and made this visit to our Islands such a success; the road clearers, everybody we have to thank. There is not one human in the Cayman Islands today, I feel, who has not contributed even in a small way to make this visit such a success.

MISS ANNIE HULDAH BODDEN (CONTINUING): It was mentioned in the Throne Speech that we can justly be proud of all our good relationships with the surrounding Islands. Mr. President, I feel that if we are to continue we must act in a friendly way. We should not allow people who would defile us to enter our shores. We have to watch those who come here, but I feel, Mr. President, that those who come here and contribute to our unkown, the bankers, the lawyers and all the others should have our respect and never let them feel that they are outsiders. They are inside our Islands, they are contributing and I am very sure each one has played some part in bringing our Islands where they are.

I can only add, Sir, that we as Legislators should be humbly proud of the fact that we have you as our Leader and your good wife, and with all your predecessors who have played such a noble part in assisting us to bring our Islands where they are today. May God richly bless our Islands and may we live in unity and may this Legislative Assembly continue to work for the good of the Cayman Islands and for the glory of God.

Thank you, Sir.

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

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Debate on the Throne Speech.

MR. J. CARGTON SMITH: Mr. President, it gives me great pleasure today to be here and to take part in the debate on the Throne Speech delivered by Her Most Gracious Majesty in this Chambers on February the 17th, 1983.

It was indeed a great and historical occasion for the people of the Cayman Islands and for the people of Grand Cayman in particular. I am inclined to say, Sir, that She came, She saw and She conquered. Her Majesty the Queen and His Royal Highness won the hearts of all who saw and spoke to them. I heard one person remark that they seem to be good people and social people - people just like Caymanians.

Mr. President, the long awaited visit which all Caymanians longed to see has taken place and Her Most Gracious Majesty has written down some of Her impressions of that visit. She has spelt out some recommendations and made some predictions most of which I am quite sure, Sir, can be achieved for the good of the people of the Cayman Islands if we, the Members, of this Honourable Assembly unite and stick together for a common goal for the common good.

First of all, Mr. President, the British Government stands behind the Government of the Cayman Islands and with reference to that closeness and support on various occasions the Queen used the term "My Government" on six occasions during her speech. Mr. President, I was very pleased to hear this.

Mr. President, in my opinion the Queen seemed to have a comprehensive idea of our problems, desires and

MR. J. CARSTON OMER (CONTINUING): successes. The Queen's intervention of us on the Falkland Islands' contribution was quite a contrast to that of Simon Winchester's.

Mr. President, I am very pleased to know that the United Kingdom will continue to strengthen our Police Force through training programmes and to maintain our reputation of the service as one of the most efficient in this region.

Mr. President, it was a source of pride and great pleasure to us that our administration has been so successful and has accumulated such healthy results that when the mother country was involved in the fight with Argentina last year this Government could contribute in the manner in which we did. It is something to be proud of that such a small colony with less than 30,000 people could contribute £600,000. Wide main crosses, Mr. President, the calibre of our people.

Mr. President, most people should be proud of the progress made in our education and health services over the past six years. A lot of our young people are being able to secure scholarships for overseas training as well as those who are being trained already by the Rebel Training School. We have proven, Sir, that the welfare of our young people is of paramount importance to all of us.

Social welfare continues to be a service area in which Government and the general public are working hand-in-hand and much has been accomplished. We should all be proud of the Boys' Home, the Pines Retirement Home and the Girls' Home. These, Mr. President, were areas where help was needed and other people with the guidance of Government willed for these causes. Truly we are proud of the people who helped in all these worthy causes.

The airport services and the domestic flite service, under the able leadership of Chief Pilot, continues to prove its worth for the citizens of this country. The staff are well trained and efficient and we look forward to the opening of a branch service in the eastern district and also in West Bay, the District I represent, in the very near future.

I am left to believe, Sir, that the greatest impression the Queen had in her mind was the loyalty and the friendliness of the people of these Islands.

Mr. President, Public Works Department has to be congratulated for the achievements it has made over the years. I want to publicly thank them for all they have done throughout these Islands and especially in my own district and I look forward to having the same accomplishments from them in the year 1983 as I have had in the past.

Mr. President, I could not end without mentioning our sporting facilities. This is an urgent need in our community and especially again in our district of West Bay and I hope, Mr. President, at least by the next Throne Speech I will be able to come back here and say that we have a new playing field for the youth of our district in West Bay.

Before concluding, Mr. President, I join with you and the Chief Secretary in thanking the people of these Islands and especially the people of West Bay for their support and for the way that they conducted themselves during the visit of Her Majesty the Queen and His Royal Highness the Duke of Edinburgh.

In conclusion, Mr. President, I was pleased to be part of it all and to have contributed my little portion. May God bless the Royal couple and for all times God save the Queen.

I thank you, Sir.

MR. PRESIDENT: Does any other honourable Member wish to speak?

MR. D. DALMAIN EBANKS: Mr. President, I too want to pay my contribution to this Throne Speech by Her Majesty the Queen. I must say words fail to express the gratitude and thanks of the people of the Cayman Islands to Her Majesty and the Duke for their visit here.

I am greatly honoured to be a Member of this Legislature to have Her Majesty visit a Throne Speech here that will go down in the history of the Cayman Islands. The reception that the Royal Family received here only shows a loyalty that the Cayman Islands have for the Queen and the flag and I have to join with every Member and say we want to remain a Crown Colony because what we have here today, this prosperity and prosperity which we enjoy, is because we are a Crown Colony. We have a stable Government because we are British and British I hope to remain.

I want to congratulate all departments that took a hand in the preparation for the Royal Visit. Every department played its part and played it well, Sir, and it only goes to show what Caymanians can do when they have opportunities to do.

The progress in the departments, education, medical and so on are all still moving forward and something that the people of these Islands should be very, very thankful for. I am sure I am safe in saying there is not another country in this world, not even a nation, which has the right to be thankful the way that Cayman Islanders have to be.

I want to congratulate you and the Chief Secretary for the efforts and hard labour and duty that you have to make it an enjoyable and memorable one.

The visitors enjoyed their part and enjoyed it well. I myself played a small part, but that was to a minor degree, because I am thankful that I was able to do it.

Now, Sir, if you will bear with me a little, with all the glory and praise that we have in these Islands we still have our problems and our grumbles. This is something that I want to speak on. We have in the private sector different problems. Maybe some of them have not even reached you, Sir. Some of them are minor, but they can grow into major things. It is just like a cut on a corn - if one tooth is broken and you do not remove it eventually you will have a toothache because some more will go.

I want to speak, Sir, on certain things that are happening out there. We have people who are not prejudiced against people coming into our Islands and we have to do the same thing to look for our living. In my travels and recruitment of going to foreign countries we divided by these laws and did not interfere in their politics. Well, it is a bit different here, Sir. We have representatives coming in here; some of them love the Islands, some of them are looking a little ahead because they love the Islands and they want to retire here, some of them are here for what they can get out of the Islands and when that is finished they want to go and leave. Fine, but then we a little further; some of these people, Sir, are delving into our politics. They are telling our Government down, they are trying to say what should be done and what should not be done or who should be in the Legislative Assembly and who should not when they have no right to do it. These type people, Sir, I will say here clear and loud there are a few, we are better off without them and if they know so much about Government and running countries why do not they go back to their own country and help straighten their country out because it is needed.

MR. G. HUDSON FRASER (CONTINUING): Another thing regarding home ownership on the outside is that Caymanians again are being pushed, in certain areas, back too far. We cannot get along without expertise, I do agree, but I feel the time should be taken now, Sir, that where we have to employ expertise, school leavers with CXC 'O' levels and other degrees should be put there to ultimately phase expatriates. When their contracts are up let them go and shift our Caymanian up. If he makes mistakes, it is our Caymanian making it. We have not made mistakes; the person who has not made a mistake is the person who does not try to do anything and still makes mistakes. Mistakes are human nature, but let us face it on our own grounds.

Another small thing was brought to my notice. We have tourists and aliens here. They have entertainment, Sir, but again what can they do? They are referring to foreign entertainment when we have Caymanians in the Islands who can provide the same thing and they do not mind. There is no other place in the world that you will find that. We can have entertainment around tourists for a week or so, but when it comes to employing them for a year or two years it is wrong. We have entertainment around here, bands that can play and do the same thing, even better than some of the foreign groups. They are not given opportunity; they are struggling to get a buck just like everybody else and our boys are being left behind. It is time now for our people to wake up and look into these things, Sir, to see that no more of these things go on and that we give our Caymanians the break so that our money and love will remain in our country. If not we are going to lose it, Sir.

Another thing I want to speak on, Sir; I had the privilege of meeting Big General from Kenya during my visit to Colorado and he asked me if Caymanians were thankful for the life we have here and that we should keep trying to preserve that in every way. He said he could tell an immediate from emergence and I know it is true that one of our greatest dangers of losing what we have today, Sir, lies within our own peaceful jealousy and envy - trying to tear down what has been done and what is being done by our Members owning to the fact that somebody else does not like that person or they think they should be getting credit for it. This is something that we should all take to heart and study and realise what it done more to our country and I hope that this will be the end of it, Sir.

Now, Sir, I am putting this in your lap; as our Governor I find you an honest man and I know human nature as it is that you would like to leave here with a good name behind you. I am begging you to use your power in whichever way you can in helping us to maintain the peace and quietness of the Cayman Islands.

Thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

MR. BENSON O. EVANS: Mr. President, it is obvious that I would not have spoken on this Speech following so closely as it does after the Budget Session had it not been that I missed the opportunity even without commenting on the Speech which was delivered by Her Gracious Majesty, our Queen. It is indeed an historic occasion and one that will long be cherished by all Members of this Assembly and all of the people of the Cayman Islands.

As previous speakers have said, it is difficult to separate the debate on the Throne Speech from the

MR. RENSON O. FRANKS (GRAND TURK): Visit of Her Majesty and His Royal Highness and I too would like to take the opportunity to congratulate you, Sir, your good wife, our Chief Secretary and all of those who took part in the planning and preparation for this visit. I would like to congratulate the people of the Cayman Islands and of my district in particular on the spectacular way in which they conducted themselves during Her Majesty's visit. I would be less than frank, Mr. President, if I did not say that many of my constituents were disappointed at the fact that the Royal Motorcade travelled through West Bay rather more rapidly than had been hoped and as a result their glimpse of the Queen was somewhat less than they had hoped it would be. Nevertheless, I am sure they are grateful for the opportunity of having had the Queen drive through the district in any event.

Reference is made to plans to continue efforts for the association between the private sector and Government. Mr. President, the one way in which this can be assured is to ensure that our link with United Kingdom and the Crown is maintained. As previous speakers have said, there is no doubt in my mind that the generosity which these Islands enjoy today has its roots in our association and in our expressed intention to continue our association with the United Kingdom.

I would endorse the plea made by a previous speaker, Mr. President, that when legislation is being brought to this House by the Caymans, Members be given adequate time to study it. It is not simple to take a proposed amendment and read it in isolation and almost exactly what is being contemplated, and we must be given time to study the proposed legislation.

Water and sewerage, Mr. President, is an essential ingredient to future development of this territory and while we have made a start by legislation, we have to ensure that the project bears fruit or maximum. Let change in our efforts for development.

Education, Mr. President. We are beginning to see the fruits of our labours and money spent has been expended in this field. It is good to see that a programme is being undertaken or planned for the mentally and physically handicapped and I would hope, Mr. President, that this would be enlarged to also include the exceptional child, that is the exceptionally gifted child, as well because they too need special attention. In this area I would, Mr. President, renew my plea that steps be taken to place the Community College on a firm footing in its own right.

I would also, Mr. President, like to associate myself with the words that have been expressed to the Civil Service. I believe that we have a Civil Service of which all Caymanians can be proud. I believe that our Civil Service has demonstrated that it is capable of rising to meet tasks and I can only hope and pray, Mr. President, that Caymanians will continue to be given the opportunity to demonstrate their abilities in this field.

In the motion on the Postal Services, Mr. President, I believe that we can take credit in the way in which international mail is handled, but I would be less than frank if I did not say that the handling of local mail leaves much to be desired. For some unknown reason it is easier, and to get a letter from overseas it is received with much more dispatch than a letter which is posted locally. I would hope that this would be looked into and corrective measures taken.

Finally, Mr. President, I must join Members in extending my congratulations to myself and the Chief Secretary on the honour which was bestowed upon you both by Her Majesty during her visit here.

Thank you.

FOR. C. EARL BODDEN: Mr. President, the necessity must first be honoured to be in a position to reply to the Speech from the Throne which had been delivered last week by Her Majesty. The country as a whole has displayed the appreciation for the Royal Visit and the people have shown by their behaviour how much the Royal couple was welcomed. The appearance at all the gatherings was more like an open-air church service; the people were so quiet that one would have thought they had been in Sunday school. The organization for the visit, including the security and other arrangements were perfect.

Only this morning on the news I was listening to the report from Negril where the crowd had to jostle their way through to be able to take pictures and I understand that the same thing happened in Jamaica. Here, adequate provision had been made for the press to cover this event and all of this goes back to the work which had gone into the planning of this visit. The committee which had been chaired by the Chief Secretary really did a splendid job and your involvement, Mr. President, with the previous visit of Her Majesty to Bermuda undoubtedly was a triumph prior to making the visit a success.

The meeting, or at least the second component in the Queen, mentions the Cayman Islands as a unique and prominent community in the Caribbean region. These are not idle words; we have become prominent as the Cayman Islands now known the world in general as tourism, a very high place in the tax haven business and perhaps a model for all areas of activity in the Caribbean. History was made in these Islands and we are a part of it. No matter what the critics may say, it happened in our time and we were here.

The Speech from the Throne with the exception of brevity has delivered by Her Majesty in person, follows the pattern of other speeches which have been delivered here over the last half a dozen years. There is in it much for jubilation and the Members who have spoken so far have complimented the Civil Service, all Government departments and perhaps took an opportunity to pat themselves on their backs for being a part of the events that are occurring in these Islands today.

There are a couple of things which I think I should reply. One Members seems anxious that we get on with the work in Cayman Brac and I agree with him, but in the words of the poet I would like to remind him that Rome is not reached in a single bound, but we build the bridge by which we shall from the lowly worlds has vaulted where and we mount the summit round by round.

Many things have happened in Cayman Brac over the last couple of years and even in even Cayman Kais has been moving up the economic ladder. The infrastructure is being laid for future development. I understand that the Administration building is to be opened shortly. As correctly pointed out, this building started in 1979. It could have been completed by the end of 1980, but all Members know the reason why the building has not been completed and the main reason is, although there are other reasons, that the project has just been pushed aside as that other huge projects would have priority over it.

The work force in Cayman Brac is small. Public Work itself is a small unit and while the building was being done by the contractor, nevertheless, that same contractor has been put on other Government jobs which seemed to have had priority. I recall the construction of the new jetty for Public Works (this was perhaps very necessary because of the havoc caused by Hurricane Allen), the extensive work done on the roads in Cayman Brac, the construction of the Bluff Road, the building of the new dock, the extensive road programme in Cayman Brac, not to mention the work in Little Cayman which required the moving of equipment from Cayman Brac to Little Cayman,

HON. G. HALD BODDEN (CONTINUING): the number of jobs of the county work force from Cayman Brac to Little Cayman, and these are problems which have delayed the building because the building, although necessary, did not seem to have the same priority as the other projects. The Government still has an administrative building, but there were other problems; there was lack of material. I remember one time I went to Cayman Brac and visited the building and they were waiting blocks which had been paid for by Government many months before and they could not get them because the machine had broken down. When blocks were available there were more pressing needs for the blocks; there was always the lack of material. This was the first multi-storey building constructed by the Government and in fact in Cayman Brac in recent years out of concrete blocks as opposed to wooden buildings or scaffolding which was not available in the past.

One other reason which I must mention is that after the building started, many structural changes were demanded by the people in Cayman Brac and by the Civil Service and these structural changes not only delayed the project, but increased the cost. So some of the problems were really self-inflicted by the people of the Brac themselves. Recently there was a case of vandalism which required extensive work to be done which required more money to be spent. Nevertheless, the project is coming to an end and the building should soon be open.

One Member mentioned that he would like to see cruise ships visit the Brac. Sometime ago on a visit to Cayman Brac I was approached by a taxi driver on this same matter. I took it up with the Member when I came back and also with the Director of Tourism. The Director mentioned most of the major cruise lines operating here and in every instance he had the same reply. He wrote me a letter in which the contents were made known to the person who had enquired in Cayman Brac and the answer was that the cruise lines were not necessary to call at the Brac at this time. They listed the reason that they did not have the facilities in Cayman Brac to accommodate 800 or 1,000 passengers on a single day. They do not have the taxis or buses to transport the people, they do not have the boats to carry the people from the cruise ships to the dock, there are no beaches on the Brac, there are not sufficient shops to accommodate these people and they went on listing inadequacies which, because of the small size of Cayman Brac, exist. However, this is not to say that in the future cruise ships would not make calls there, but the matters are unsatisfied and the result is that at the present time none of the existing cruise lines are willing to call.

One Member mentioned the inadequate telephone services in Cayman Brac. This has been a matter of deep concern to Government and I have had meetings with the manager of Cable and Wireless and he feels that there is no easy answer to the Cayman Brac situation, there is no immediate answer. He tells me that even if we were to invest a lot of money on the existing system he does not believe that he would improve it very much. It suffers from inadequate and unmaintainable equipment. The system suffers from atmospheric conditions which are beyond his control and he sees that for the immediate future he can only offer to patch up this system.

The solution would be to scrap this and have other system. One of them would be to lay a submarine cable at a cost of over $40 million which would be totally uneconomical and the other possible alternative would be to provide a telephone service via a satellite. This is probably the course that it will take in the future and the manager is now taking up the matter with his head office in London. Whether they will respond favourably or not he does not know at this time. However, even if they do it will be a costly exercise, but he believes that the operation in Grand Cayman can offset some of the high costs in Cayman Brac and the rates should

HON. G. HAM HORDEN (CONTINUING): not increase or if they do it would be a very small increase.

Several Members have offered compliments to Public Works and I must say that over the last three months they have been under severe strain. Most of the preparation for the Royal Visit fell in the lap of Public Works. They have done a pretty good job. I would also like to mention in passing that before we meet again in the House in June, a young Caymanian engineer will have taken over as Director of Public Works. Mr. Hirst will not be renewing his contract, but I would like to say I appreciate the hard work that he has done and the service that he has given to the Department. This year, Public Works probably faces its biggest challenge in that the new engineer will have last the guidance of his superior. Also another engineer who is probably second in line, a contractual officer, will not be renewing his contract and the Department will suffer from the loss of these two executive officers.

Public Works will also undertake this year its largest capital task to date; they have a $10 million budget for capital works. They will be supervising the building of the new airport terminal which is the most costly and the largest single project ever undertaken by Government. The end result of all this will be that many of the smaller projects will have to suffer this year until the major ones are get a good start.

One Member mentioned the expansion of the water and sewerage scheme. I am not happy with the translation as, on my last enquiry, the printers had not completed the Bill which we passed here in November and as a result of this the Legislature has not been able to give his assent to the Bill; we have not been able to do the regulations, we have not been able to set up the authority, we have not been able to proceed with the works in Lower Valley as certain notices have to be given under the Law and the whole scheme has been delayed three months because we are still awaiting the Bill to come back from the printers.

One Member mentioned the delivery of local letters and this has given some problems; I understand that the Post Office ordinances to give priority to the international mail which sometime makes the local mail suffer, however, they are now working on sorting the mail more or less as it comes in. The Post Office suffers from a very high turn-over in staff and this high turn-over is caused for two reasons, in my opinion. One is that for some unknown reason or other persons[sic] seems to tend to the Post Office probably the worse applicants that they receive for jobs, everybody knows this. If somebody comes in and is very bright that person is pushed in Finance or one of the other more glamourous Departments of Government. The second reason is that the workers who go to the Post Office find that they have very poor physical conditions under which to work. The Post Office is very hot in the summer, money has been approved, it must be nine months ago for the air-conditioning of the Post Office. This has not been done. The place is over-crowded, plans are afoot for the building of a new Post Office but this will probably be 3 or 4 years down the line and there have been problems in the Post Office.

On the other hand, no other Department of Government has seen the increase in work that this Department has seen. You only have to look at the revenue and you will see that the revenue from the Post Office is increasing by leaps and bounds and they do have a very difficult task.

I would like to say, while talking about the Post Office, that we do have there some 5 or 6 people who have been there for many years, that work very hard; I am glad that the Queen has seen fit to honour some of them recently because these ladies there are really the back-bone of the postal service and they work under very hard

HON.C.VAIN ROGERS (CONTINUING): conditions. Gradually, one day when the new Post Office is erected perhaps during the next Royal Visit we will have it open, things will be better. The man in charge of the Post Office is very knowledgeable and he has done a lot to put in new systems to improve existing ones, but he suffers from a lack of health, and we have never been able, because for some reason or other, perhaps I never saw fit to do it, he has never been able to have a competent Secretary, to whom he can delegate his work or even sit it down. He sends us his memoranda to me in his hand-writing (which I cannot read) and I pencil them and send them back and I am sure he cannot read my reply either! But it is time that the Post Office be given assistance - staff so that it can do the work which the public expects it to do.

Mr.President, the members are looking at their watches so I think this is the time to conclude my debate.

MR.PRESIDENT: I think this may be a convenient time to adjourn too, and I therefore adjourn the House until 2.30 this afternoon.

AT 12.44 P.M. THE HOUSE ADJOURNED UNTIL 2.30 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Debate on the motion of thanks for the Throne Speech.

If no further Member wishes to speak I will call on the mover to reply.

CONTINUATION OF THE DEBATE ON HER MAJESTY'S THRONE SPEECH

MR. TRUMAN BODDEN: Mr. President, I deem this occasion and the sitting of this Assembly at this time an honour and a privilege to debate the Throne Speech that has been read by Her Majesty the Queen.

If I were to attempt to go on to try to express my feelings as to the Royal Visit we would be here for a long time. There is a proverb which says, "All things come to one who waits". It has been a waiting and a pleading by this honourable House for many years that Her Majesty pay this tiny little rock and people a visit. To tell you the truth, Mr. President, until recently, to me it seemed hopeless with all our pleading, begging and requesting, but nevertheless, it came to pass, and these two days, Mr. President, as far as I am concerned will linger, will stay in the hearts and minds - the thinking, the feeling - of the people of the Cayman Islands for many, many years to come.

I feel, Sir, that every minute of the time spent by the Royal Visit of Her Majesty and her husband, the Duke, was well spent, it was a success for the fullest, and I can only add, Sir, by saying that I would hope that it would be possible for a return not in the too distant future.

This Throne Speech, Sir, you will find in many homes as a memorial, as a souvenir on such an occasion as this. There are many countries that envy the Cayman Islands for having this privilege over so many, but I feel, Sir, that if there are a people who have been loyal and law abiding and long suffering have been the people of the Cayman Islands and I trust that the continuation of this Government, the people of these Islands, will still be to the best, to the highest standard of any Government in the Caribbean area or in the world as a whole.

We have our little differences occasionally, but it could not be otherwise. I leave those things inside this building when the day is finished as to my part of it and go out and face the people and the public with a good, fair feeling.

I suppose I could, but I will not elaborate on my privilege and opportunity of being with the Queen, but it was an honour and a privilege to me and my family. We certainly appreciated everything that has been put in our way to make [illegible] this possible by you, Sir, and all others concerned. It is a privilege that I will not forget and I say thanks to everyone who assisted.

It is quite true, Mr. President, that we did not have a twenty, twenty-five or a thirty-page Throne Speech for this sitting, but we had the full substance in the short address presented by Her Majesty the Queen, it still will allow us to express our views, our feelings, our interest and determination as to the running of the country for a better plane for the people. We have all the Departments of Government in their functions, in their plans, in their duties and for the last few months it has been a full and busy time for many Department and a little bit more probably for one or two but I am glad that we have seen the end of it, the success.

So, Mr. President, I will deal with a few Departments of Government as usual. We are not all perfect, Government are not perfect, those who are responsible for administering are not perfect, we will make mistakes and blunders, but one thing I have taken note of for quite a while - when a motion is brought to the House by Government, the

MR. CHAIRMAN ERAINA (CONTINUED): ...over of the matter, whether it is an amendment, experts that legislators will accept it and, ...rong with it within reason. In so many instances the legislature will make requests for things to be done for the benefit of the public, such small things, and no need be taken of them.

I will just mention, Sir, three small things that I have requested here over a number of years and until this day nothing has been done about them. "We will look after it", "We are looking after it" and that is it.

We have the system, let me repeat it, that of licensing guns, one goes to the Licensing Department; you are sent from there to the Treasury to pay for it, then back to collect the gun if it is licensed. The job that could have been done in 5 to 10 minutes probably, depending on how many people are in the line ahead of you, it takes three attempts, and when you go three times you might have a group of people and you must wait your turn. It takes up the time of an individual probably for an hour to do five to ten minutes' work.

The same thing applies to people who are attempting to get a waiver to travel, the same method is used - you go one place to make the request, you go to another place to pay for it, and back to pick it up again.

Mr.President, you want to tell me that between the Police Department and the Treasury Department it cannot be regulated that it is done in one place? And not to push and shove people around as is done on Tom-Foul day "Send the fool back another time!"

I mean it just does not make good sense to me, Sir, with due respect to every Member of this House and the staff of the Finance Department and the Police Department, but do not tell me that this could not be looked into and eliminate people having to go back and forth for the matter of Two Dollars.

The Third Official Member, the new Financial Secretary promised me two that he would look into this. I do not know whether he forgot it after he did not see me again or what, but anyway I am reminding him again and for the sake of the public, let us be a bit more considerate to human beings, taxpayers, natives and people who are living here.

Then, Mr.President, we have the Traffic Department, I guess no one likes to hear me speak about it but that has its ills like myself, I have my ills too, and I do not mind anyone telling me about them. In the introduction of the amendment yesterday the Member said that we are improving and we must bring in these amendments to follow the trend of growth and development and that always need to come about. I agree, Sir, but do it in a sensible manner, in the right way and in the right time.

He mentioned the one-way streets and you know, Mr.President, the first introduction of one-way streets in this George Town years ago it was not under any law yet the Traffic Department put those into effect. It has only been on the last occasion, now that the law was amended for one-way streets, but not before. So then they are the violators of the law and then they expect the public to meet it all the way.

If I remember rightly, Sir, I said in this House some several months ago, a year ago probably, or more, I think it was just before your time in office when we were dealing with the reduction of speed limits, we had gone into this over and over and I was not prepared to reduce the speed limits any more unless it could have been proven that there would be no further fatalities on these Islands. But that could be impossible, because as is a known fact, it has been proven by the motorists that a certain percentage disregard the rules, the regulations, the speed-limits or anything else. They are determined to drive at any speed they want so why again let the innocent suffer for the guilty when you have 99% of the motorists who are law-abiding

MR. CHADDOCK ADAMS (CONTINUING): citizens trying to meet every requirement, yet they are being penalized to try to get up with the law breakers. It is unfair.

The amendment yesterday reducing the speed limits for trucks of over 5 tons to 30 miles an hour, I would like to see it operate. It is being unfair to truck-owners, it is going to create traffic jams on the road when there are two and three of these trucks travelling in the same direction, you have a fleet of cars, people are late for work and you have one fool coming along and attempts to overtake a convoy with on-coming traffic - is this what we are really trying to do? Is this what we are trying to get the public to do? I cannot see anything else coming out of it.

Every taxpayer is paying for the upkeep of the road and those who cannot abide by the laws governing the use of the roads there is the alternative, take them off the road and it is not a crime to do that, because they are easily found, they are easy to be caught.

If people are delegated to do a job if they were to do it without fear or favour then we would be better off too.

There was a fatality not long ago and one police officer discovered since that that driver of the vehicle had been warned time and time again, they had caught the individual, warned and he was allowed to go free.....

HON. MICHAEL BRADLEY: Mr. President, Sir, on a point of order. I do not know whether the case that the Honourable Member is talking about has been dealt with in the courts, if not, it is sub judice.

MR. CHADDOCK ADAMS: With respect, Sir, but I still say this if this Licence had been suspended a number of years ago it would probably not have happened.

There are many similar cases, I am not pin-pointing one individual at all. The Traffic Department is aware who are the speeders on the road, who are the fast truck-drivers, and if they are prepared to catch them, they will do it, and we have the courts to prosecute and deal with them in the manner they feel they ought to be dealt with. And until a lot of these motorists, these drivers are taken off the roads we will continue to find this difficulty, we will find this hardship being created on the good, law-abiding citizens.

As I said previously, every individual pays for the use of the road and he ought to have the use of it and when he starts to abuse it then let the courts deal with it.

Mr. President, we have a good hospital and so far as I know we have all qualified doctors and many of the nurses but it seems that there is still a grievance between the public and the hospital with seeing a doctor. People will go there sick, the nurse does nothing for them, they cannot see a doctor, so they go away unattended. I cannot see in any way why this should be, but it still exists, it has been going on and still goes on. When we had a population of 75,000 or so we had Doctor Faith, Dr. Hooton who attended to the whole population and every patient that they were called to for the day he saw them even if it was not until the following day before he returned home, but now we have a full complement of doctors and patients will go to the hospital and are told "You cannot see the doctor until tomorrow or until the following day". You have no appointment with any doctor then you cannot see one. I hope this does not continue, because it is not very encouraging to the public when one feels sick, that is what the hospital and the doctors are there for to deal with the sick.

Again, Mr. President, the public is very sensitive to cases and dealings in the courts, they feel that there are so many cases where people are convicted where there appears to be some unfair judgement in the same type of crime. I do know that each case is based on

MR.CHADDOCK SHANKS (CONTINUING): the hearing and evidence of whatever one is accused of, each case to be dealt with on its own merits. But as an illustration, if Tom Brown wrecks an automobile and is found guilty.....

HON.J.MICHAEL BRADLEY: Mr.President, Sir, on a point of order, I am reluctant to interrupt the Honourable Member again. Could I draw the attention of the Chair to Standing Order 35, sub-order (7)?

MR.PRESIDENT: I was looking for the same. I must ask the Honourable Member to bear in mind the provisions of paragraph (7) of Standing Order 35.

MR.CHADDOCK SHANKS: Mr.President, I accept your ruling. I am not trying to be disrespectful but as I tried to express a few moments ago my feeling to the extent of having Her Majesty and her Husband to visit us, I have not gotten away from that, Sir, but there ought to be some place, somewhere, some time that the grievances of the public through the Elected Members should be heard.

MR.PRESIDENT: Let me make it clear to the Honourable Member that provided he bears in mind paragraph (7) of Standing Order 35 and does not say anything in conflict with it, he is perfectly at liberty to air grievances of the public.

MR.CHADDOCK SHANKS: No, Sir, I did not intend to raise any conflicting argument or debate on this, all that I attempted to say at that time which I feel again that we have the Judicial Department, fully qualified, fully experienced, with knowledge and education in every way, that when a case is finished and the public leave for themselves, now mr, I do not take it out - they are listening and hearing for themselves and is to be talked about - they charge John Brown $20 for speeding and.....

HON.J.MICHAEL BRADLEY: Mr.President, Sir, I feel that the Member is going a little far - it is impugning the conduct of Her Majesty's judges.

MR.CHADDOCK SHANKS: Mr.President, Public Works Department during the Queen's visit has done a marvellous job and I feel,although I spent a lot of time and effort trying to help the situation, the preparation and provision for Her Majesty's visit,they are to be complimented. Mr.President, I would at this stage prefer to discontinue my debate on the Throne Speech but I am acquainted with all the members of the Judicial Department and I am not afraid to face either of them and express my views. So I thank you for the privilege of sharing in this debate but, as I have said, if I cannot hold the respect for everyone concerned and still say what I feel the public is entitled to, then I apologise and will not from. I thank you, Sir.

MR. PRESIDENT: The Motion is that an humble address be presented to Her Majesty, as follows:-

MOST GRACIOUS SOVEREIGN, WE, YOUR MAJESTY'S MOST DUTIFUL AND LOYAL SUBJECTS, THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS IN THE HOUSE ASSEMBLED, DO LEAVE TO OFFER OUR HUMBLE THANKS TO YOUR MAJESTY FOR THE GRACIOUS SPEECH WHICH YOUR MAJESTY HAS ADDRESSED TO THIS LEGISLATIVE ASSEMBLY.

QUESTION PUT: AGREED. MOTION PASSED

MR. PRESIDENT: Item 8, Government Business.

THE STRATA TITLES REGISTRATION (AMENDMENT) LAW, 1983

REPORT THEREON

HON. JOHN B. McLEAN: Mr. President, I have to report that a Bill entitled "The Strata Titles Registration (Amendment) Law, 1983" was considered by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE TRAFFIC (AMENDMENT) LAW, 1983

REPORT THEREON

HON. G. HAIG BODDEN: Mr. President, I have to report that a committee of the whole House examined a Bill entitled "The Traffic (Amendment) Law, 1983" and dealt with one amendment. A new Clause 3 was added to the Bill, and it amended Section 68 of Law 16 of 1978. The new Clause 3 reads:-

"(5) No trucks having a load capacity in excess of three tons shall be driven at a speed more than thirty miles per hour, and every such truck shall have displayed on the back the figures and letters "30 M.P.H." in such dimension, colour and condition as may be ordered by the Commissioner".

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1983

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Summary Jurisdiction (Amendment) Law, 1983" was considered by a committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE POLICE (AMENDMENT) LAW, 1983

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Police (Amendment) Law, 1983" was considered by a committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE RESTRICTION ON THE SUPPLY OF PETROLEUM TO SOUTHERN RHODESIA (REPEAL) LAW, 1968

REPORT THEREON

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled "The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Law, 1968" was considered by a committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE FIREARMS (AMENDMENT) LAW, 1968

REPORT THEREON

HON. P.H. FOSTER: Mr. President, I have to report, Sir, that a Bill entitled "The Firearms (Amendment) Law, 1968" was considered by a committee of the whole House and passed with the following amendment:- That wherever the words "to imprisonment for" appear therein that such words be deleted and the words "to imprisonment for a term not exceeding" be substituted therefor.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1968

REPORT THEREON

HON. JOHN B. McLEAN: Mr. President, I have to report that a Bill entitled "The Development and Planning (Amendment) Law, 1968" was considered by a committee of the whole House and passed with one amendment in Section 2. The word "three" was substituted for "five".

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

CLERK: The Strata Titles Registration (Amendment) Law, 1968.

The Traffic (Amendment) Law, 1968.

The Summary Jurisdiction (Amendment) Law, 1968.

The Police (Amendment) Law, 1968.

The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Law, 1968.

The Firearms (Amendment) Law, 1968.

The Development and Planning (Amendment) Law, 1968.

THE STRATA TITLES REGISTRATION (AMENDMENT) LAW, 1968

THIRD READING

HON. JOHN B. McLEAN: Mr. President, I move that a Bill entitled "The Strata Titles Registration (Amendment) Law, 1968" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE TRAFFIC (AMENDMENT) LAW, 1963

THIRD READING

HON. G. MAIC MOODEY: Mr. President, I beg to move that a Bill entitled "The Traffic (Amendment) Law, 1963" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. CRADDOCK READER: No. Mr. President, I would like my objection to be recorded.

MR. PRESIDENT: Are you calling for a vote or just a record of your objection? I will ask the Clerk to note that.

THE SUMMARY JURISDICTION (AMENDMENT) LAW, 1963

THIRD READING

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Summary Jurisdiction (Amendment) Law, 1963" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE POLICE (AMENDMENT) LAW, 1963

THIRD READING

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Police (Amendment) Law, 1963" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE RESTRICTION ON THE SUPPLY OF PETROLEUM TO SOUTHERN RHODESIA (REPEAL) LAW, 1963

THIRD READING

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move that a Bill shortly entitled "The Restriction on the Supply of Petroleum to Southern Rhodesia (Repeal) Law, 1963" be given a Third Reading and passed.

QUESTION PUT. AGREED. BILL GIVEN A THIRD READING AND PASSED.

FIREARMS (AMENDMENT) LAW, 1963

THIRD READING

HON. D.H. FOSTER: Mr. President, I beg to move that a Bill entitled "The Firearms (Amendment) Law, 1963" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) LAW, 1963

THIRD READING

HON. JOHN H. McLEAN: Mr. President, I beg to move that a Bill entitled "The Development and Planning(Amendment) Law, 1963" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

MOVED BY: HON. D.M. WINTER.

QUESTION PUT: AGREED. AT 8:15 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. THURSDAY, 24th FEBRUARY, 1983.

STATE OPENING AND FIRST SITTING
OF THE 1983 SESSION OF THE LEGISLATIVE ASSEMBLY

(FOURTH DAY - THURSDAY, 24TH FEBRUARY, 1983)

EXHIBIT PAPER:

THE EXCELLENCY THE GOVERNOR, HIS SPEECH DELIVERED, ETC., ETC

GOVERNMENT MEMBERS

HON HOWARD H PEARCE, CBE, BEM, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCIAL AND ECONOMIC AFFAIRS
HON MICHAEL J PEARCE, ESQ	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION
HON GEORGE O JOHNSON, MBE, BA (ECON), JP	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN D McLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON THOMAS M FOSTER, ESQ, MLA, PAES, FIAM, MCT,AMBIM, ACI,Arb	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES K MORRIS	MEMBER FOR TOURISM AVIATION AND TRADE
HON G ELIC BOSTON	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CHARLTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR T WILHELM KNOWLES	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR DENNIS O FRANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SAVANNA ELECTORAL DISTRICT OF GEORGE TOWN
MRS LUCILE EILEAN BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
CAPT MARY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
MR CRADDOCK MYERS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

*(Prayers at 10:05 a.m.)

ORDERS OF THE DAY

(FOURTH DAY - THURSDAY, 26TH JANUARY, 1995)

1. PAPERS TO BE LAID ON THE TABLE

(a) AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31ST DECEMBER, 1993;

(b) AUDITED ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE YEAR ENDED 31ST DECEMBER, 1993;

BY THE HONOURABLE FINANCIAL SECRETARY (THIRD OFFICIAL MEMBER)

(c) COMMONWEALTH DAY MESSAGE FROM THE CHAIRMAN OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION (ATTACHED);

BY THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL

(d) RESOLUTION FROM THE MISSOURI HOUSE OF REPRESENTATIVES EXTENDING CONGRATULATIONS TO THE PEOPLE OF THE CAYMAN ISLANDS FOR ITS ACHIEVEMENTS ATTAINED THROUGHOUT OUR HUNDRED AND FIFTY YEARS (ATTACHED);

BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. OTHER BUSINESS:

BILLS:-

PRIVATE BILL

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1995

(i) PETITION FOR LEAVE TO INTRODUCE BILL.
(ii) SUSPENSION OF STANDING ORDERS
(iii) FIRST READING
(iv) SECOND READING

3. GOVERNMENT BUSINESS:

BILLS:-

(a) THE PORT AUTHORITY (AMENDMENT) BILL, 1995 - FIRST & SECOND READINGS
(b) THE MARRIAGE (AMENDMENT) BILL, 1995 - FIRST & SECOND READINGS
(c) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1995 - FIRST & SECOND READINGS
(d) THE ENDANGERED SPECIES PROTECTION (IMPLEMENTATION) (AMENDMENT) BILL, 1995 - FIRST & SECOND READINGS
(e) THE CUSTOMS (AMENDMENT) BILL, 1995 - FIRST & SECOND READINGS

COMMITTEE STAGE

(i) PRIVATE BILL:
THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1995

(ii) THE PORT AUTHORITY (AMENDMENT) BILL, 1995
(iii) THE MARRIAGE (AMENDMENT) BILL, 1995
(iv) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1995
(v) THE ENDANGERED SPECIES PROTECTION (IMPLEMENTATION) (AMENDMENT) BILL, 1995
(vi) THE CUSTOMS (AMENDMENT) BILL, 1995

REPORTS STAGE

(k) PRIVATE BILL:
THE ORDER OF GOD (UNIVERSAL) (INCORPORATION) BILL, 196*

(kk) THE POST AUTHORITY (AMENDMENT) BILL, 196*
(kkk) THE MERSEY (AMENDMENT) BILL, 1968
(kkk) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1968
(l) THE HAZARDOUS WASTES PROTECTION REGULATION (AMENDMENT) BILL, 1968
(ll) THE CUSTOMS (AMENDMENT) BILL, 1968

THIRD READING

(l) PRIVATE BILL
THE ORDER OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1968

(ll) THE POST AUTHORITY (AMENDMENT) BILL, 196*
(lll) THE MARRIAGE (AMENDMENT) BILL, 1968
(lll) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1968
(ll) THE HAZARDOUS WASTES PROTECTION REGULATION (AMENDMENT) BILL, 1968
(ll) THE CUSTOMS (AMENDMENT) BILL, 1968

4. GOVERNMENT MOTION NO. 1 OF 1968

"I BE MOVED BY THE HONOURABLE SPEAKER (HONORABLE MEMBER -

"IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDER 24(1) AND 68(1) IT IS MOVED THAT THE HOUSE DO APPOINT A SELECT COMMITTEE CONSISTING OF THE THREE 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 FORCE TO THE UNITED KINGDOM OF 1ST JANUARY, 1968 OF THE BRITISH NATIONALITY ACT, 1967, AND ALSO TO MAKE SUCH OTHER RECOMMENDATIONS AS IT THINKS FIT OR ALL MATTERS CONTAINED IN THE CAYMANIAN PROTECTION LAW OR WHICH RELATE TO CAYMANIAN STATUS, CONSULAR ACCREDITATION, EXTRADITION AND DEPORTATION, AND THAT THE SELECT COMMITTEE BE AUTHORISED TO APPOINT AN INDEPENDENT LEGAL EXPERT TO ASSIST IN SUCH CONSIDERATION AND THAT IT BE PAID SUCH REMUNERATION AND OTHER REASONABLE EXPENSES AS THE SELECT COMMITTEE AND THE SAME DEEMS APPROPRIATE WITHIN THE CONTROLLING DECISION OF THE LEGISLATIVE ASSEMBLY."

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THURSDAY 24TH FEBRUARY, 1983

10:00 A.M.

MR. PRESIDENT: Please be seated. My apologies, I forgot to bow first.

Proceedings are resumed. Papers.

AUDITED ACCOUNTS TO BE LAID ON THE TABLE

HON. THOMAS C. JEFFERSON: 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 year ended 31st December, 1981 and The Government Savings Bank for the year ended 31st December, 1981, to be referred to the Public Accounts Committee.

MR. PRESIDENT: So ordered.

COMMONWEALTH DAY MESSAGE - LAID ON THE TABLE

HON. C. HAIG BODDEN: Mr. President, I beg to lay on the Table a message which has been sent out by Mr. Donald R. Ollemdinder, Chairman of the Executive Committee of the Commonwealth Parliamentary Association.

The people of the Commonwealth number over one thousand million, and make up forty-seven separate nations.

The Commonwealth Parliamentary Association is an association of the Members of the Parliaments of those countries, and it is customary every year on Commonwealth Day for the Chairman to send out a message. Commonwealth Day is early in March, and as the House will not be sitting then this message is presented today.

MR. PRESIDENT: So ordered.

HON. THOMAS M. BODDEN: Mr. President, if you would just allow me a minute or two, because the file that I had on the private bill I left it at my Law Firm and it is on its way over, but I will begin on it.

The first aspect is the petition for leave to .....

HON. D.H. FOSTER: Mr. President, there is one other matter before that, Sir.

MR. PRESIDENT: But the Honourable Member concerned is not here. The Member who was going to lay it is not here.

I am not sure whether Standing Orders permit another Member to lay the message that would have been laid by the Honourable Third Elected Member of Executive Council, but if another Member wishes to lay it and can refer me to a Standing Order that will permit that to happen I should be glad to ....

RESOLUTION FROM THE MISSOURI HOUSE OF REPRESENTATIVES - LAID ON THE TABLE

HON. THOMAS M. BODDEN: Mr. President, I will lay on the Table for the Honourable Third Elected Member of Executive Council the resolution from the Missouri House of Representatives extending congratulations to the people of the Cayman Islands for the achievements attained throughout one hundred and fifty years.

MR. PRESIDENT: If I am right in thinking, it would be the wish of the House that the resolution should be formally laid, and I think it would be nice if it could be. I will allow the Honourable Second Elected Member of Executive Council to lay it in place of his colleague. And so order.

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) LAW, 1993

PETITION OF LEAVE TO INTRODUCE BILL

HON. TRUMAN M. BODDEN: Mr. President, moving on to the Private Bill before this Honourable House, under Standing Order 61 the Bill has been published, and also has been on the 8th, 21st and 22nd published in a local newspaper circulating in the Islands, and I would ask that you give me leave to present the Bill to this House, Sir, under Section 61 (2).

MR. PRESIDENT: The question is that the promoters of the Private Bill notice of which has been given by the Honourable Second Elected Member of the Executive Council should be allowed to present.

The motion is open for debate. If no Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. LEAVE GRANTED.

MR. PRESIDENT: Permission to proceed is granted.

HON. TRUMAN M. BODDEN: Thank you, Mr. President.

There has been compliance with Standing Order 62, in that copies of the Bill and the Bond and the necessary assurances in relation to the expenses have been carried out.

Mr. President, now I would ask that the Bill be read a first time.

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) LAW, 1993

FIRST READING

CLERK: The Church of God (Universal) (Incorporation) Law, 1993.

MR. PRESIDENT: The question is that a Bill entitled "The Church of God (Universal) (Incorporation) Law, 1993" be read a first time.

My understanding is that the Bill is now deemed to have been read a first time and is set down, and is in the Order Paper for second reading.

SECOND READING

CLERK: The Church of God (Universal) (Incorporation) Law, 1993.

HON. TRUMAN M. BODDEN: Mr. President, I now ask that we waive Standing Order 61 sub-order (2), the last paragraph, which relates to the Second Reading being at the next ordinary sitting of the House, and that you will permit the Bill to be read a second time at this sitting.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. President, Sir, it might also be useful when we are proposing the suspension of a portion of Standing Orders that we could, if the House so minded, also have sub-order (4) and (5) to be suspended also.

HON. TRUMAN M. BODDEN: Yes, Mr. President, that could all be done at one time. So I would ask that sub-orders (2), (4) and (5) be suspended, Sir.

HON. MICHAEL J. BRADLEY: At the risk of being a jack-in-the-box, Sir, I am reading on further and I think perhaps sub-orders (7), (8), (9) and

HON. MICHAEL J. BRADLEY (CONTINUING): also referring to the Select Committee to which the matter was referred under sub-order (4) and I think we may also have to suspend these.

Mr. PRESIDENT: I wonder, now as properly at this stage suspend sub-orders (1), (5) and the various others you mentioned, because the procedures that are to be followed in accordance with those various sub-orders only take effect after the Bill has been read the Second time. The most we could, I suppose agree in principal, that if the Bill does pass the second reading, then we should be willing to suspend Standing Orders in the way contemplated. We cannot anticipate the House's agreement to the Second Reading, can we?

HON. MICHAEL J. BRADLEY: Mr. President, whilst we can surmise what the wish of the House may be, as I understand it, if we suspend sub-orders (2) and (3) and the others mentioned, what we do is to remove the necessity of going through the procedure. If we suspend all of these now, and in fact the House does not give the matter a second reading then the other consequences do not flow.

MR. PRESIDENT: I see. Well, if the House is content I have no strong views, it will certainly be quicker and simpler to suspend the lot at once.

Let me put to the House the question that in accordance with the provisions of Standing Order 82 the provisions Standing Order 82(2) and - (correct me if I am wrong) - (3), (4), (5), (6), (7), (8) and (9) shall be suspended. The suspension of sub-orders (4) to (9) being contingent on the passage of the Second Reading through the House. That is the question. Unless any Honourable Member wishes to speak on it, I will put that question now.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED.

MR. PRESIDENT: So, we have suspended everything that I think you could wish for.

HON. THOMAS M. BOSDEN: Thank you very much, Mr. President, for just perhaps at the next stage that a private bill is being brought as the Honourable Second Official Member has stated it would be much simpler if it is non-controversial that we bring it as government business and avoid this fairly long procedure which I think is meant for bills other than those relating to churches.

Mr. President, this bill is one of several that have been presented to this honourable House and its aim and object is to incorporate the Church of God Universal and to create a body corporate with limited liability for the holding of the Church's property. It is not controversial. It has in section 7 the usual savings clause to Her Majesty the Queen and her heirs and successors and is in the proper form as for as a bill of this type goes and I would ask that Members support it and that they not ask for it to go through this committee stage which the Standing Order has already been suspended in relation to and that after the Second Reading it will proceed finally to the Third Reading in due course later on today.

Thank you.

Mr. PRESIDENT: The question is that a Bill shortly entitled The Church of God (Universal)(Incorporation) Law, 1983 be given a Second reading. The motion is now open for debate.

If no Honourable Member wishes to speak I will put the question.

HON. D.H. FOSTER: Mr. President, I will now continue, Sir, but before continuing I would like to thank the Member for bringing that to my attention.

The Bill, Sir, although it looks long only has one new Clause which is contained in Clause 8. The other amendments are just consequential alterations, Sir, as a result of the new Clause.

In case there is fear in Members' minds that people will just come here simply to get married for convenience sake or to use the Islands for convenience, I think we are well protected, Sir, in the new Clause, and they have to properly satisfy the authority, which is yourself, that there is no impediment why they should not be married.

I think, Sir, the Law brings us in line with other British places, and I recommend the Bill to Members and ask for their support, Sir.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Marriage (Amendment) Law, 1988" be given a second reading. The motion is open for debate. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1988

FIRST READING

CLERK: The Caymanian Protection (Amendment) Law, 1988.

MR. PRESIDENT: The Bill entitled "The Caymanian Protection (Amendment) Law, 1988" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Caymanian Protection (Amendment) Law, 1988.

HON. D.H. FOSTER: Mr. President, I beg to move the second reading of a Bill entitled "The Caymanian Protection (Amendment) Law, 1988".

Mr. President, this is a very short amendment and it was thought necessary that we bring this amendment to the House at this sitting, although there is a committee going through the entire Law. We felt this one was very necessary, and it provides that after a person has been convicted for over-staying that the Governor may make a deportation order without having further hearings before a Magistrate on the question of deportation. This is very necessary, Sir, because we find ourselves stuck with these people, although they are convicted we cannot get them off, and I think everybody will agree that this is very necessary, and I recommend the Bill to Members, Sir.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Caymanian Protection (Amendment) Law, 1988" be read a second time The motion is open for debate. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

STATE OPENING AND VISIT ARRIVAL
OF THE 1988 SESSION OF THE LEGISLATIVE ASSEMBLY
(FRIDAY, TUESDAY, 26TH FEBRUARY, 1988)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR C PETER LEGG, CVO, CMG

GOVERNMENT MEMBERS

HON DENNIS E FOSTER, OTF, CVO, JP	MINISTER (POLITICAL MEMBER) RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J PRADELLI, MLA	SENIOR OFFICIAL MEMBER RESPONSIBLE FOR SOCIAL ADMINISTRATION
HON THOMAS C JEFFERSON, MCom, BA (Soc), JP	SENIOR OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN D WILSON	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON DONALD M MORONI, MLA, AIB, PAI, FICM, FCI,ANZIM, ACI, Arb	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
* HON JAMES M BODEN	MEMBER FOR TOURISM, AVIATION AND TRADE
HON G WAYNE BODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CAMERON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR [illegible] BRAINES	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR WILSON C BRAINES	FIRST ELECTED MEMBER FOR THE NINTH ELECTORAL DISTRICT OF WEST BAY
MR T MICHAEL KELLY, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HUDSON HUCKLE, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT THOMAS L RUTKOWSKI	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS
CAPT HENRY S RUTKOWSKI	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS
MR GEOFFREY EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* (Arrived at 10:25 a.m.)

ORDERS OF THE DAY

(FOURTH DAY - THURSDAY, 24TH FEBRUARY, 1983)

1. PAPERS TO BE LAID ON THE TABLE

(a) AUDITED ACCOUNTS OF THE UNIVERSITY OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31ST DECEMBER, 1981;
(b) AUDITED ACCOUNTS OF THE COOPERATIVE BANKING ACTS FOR THE YEAR ENDED 31ST DECEMBER, 1981;

BY THE HONOURABLE FINANCIAL SECRETARY (THIRD OFFICIAL MEMBER)

(c) COMMONWEALTH DAY MESSAGE FROM THE CHAIRMAN OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION (ATTACHED);

BY THE HONOURABLE MINISTER MEMBER OF EXECUTIVE COUNCIL.

(d) RESOLUTION FROM THE MISSOURI HOUSE OF REPRESENTATIVES ATTENDING CONGRATULATIONS TO THE PEOPLE OF THE CAYMAN ISLANDS FOR THE ACHIEVEMENTS ATTAINED THROUGHOUT OUR UNIQUED AND FIFTY YEARS (ATTACHED).

BY THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL.

2. OTHER BUSINESS:

BILLS:-

PRIVATE BILL

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1983

(a) PETITION AND LEAVE TO INTRODUCE BILL;
(b) SUSPENSION OF STANDING ORDERS
(c) FIRST READING;
(d) SECOND READING

3. GOVERNMENT BUSINESS:

BILLS:-

(i) THE PORT AUTHORITY (AMENDMENT) BILL, 1983 - FIRST & SECOND READINGS
(ii) THE MARRIAGE (AMENDMENT) BILL, 1983 - FIRST & SECOND READINGS
(iii) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1983 - FIRST & SECOND READINGS
(iv) THE ENDANGERED SPECIES PROTECTION AND REGULATION (AMENDMENT) BILL, 1983 - FIRST & SECOND READINGS
(v) THE CUSTOMS (AMENDMENT) BILL, 1983 - FIRST & SECOND READINGS

COMMITTEE STAGE

(i) PRIVATE BILL:
THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1983

(ii) THE PORT AUTHORITY (AMENDMENT) BILL, 1983
(iii) THE MARRIAGE (AMENDMENT) BILL, 1983
(iv) THE CAYMANIAN PROTECTION (AMENDMENT) BILL, 1983
(v) THE ENDANGERED SPECIES PROTECTION AND REGULATION (AMENDMENT) BILL, 1983
(vi) THE CUSTOMS (AMENDMENT) BILL, 1983

NOTICES RESUMED

(i) PRIVATE BILL:
THE UNION OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1993

(ii) THE PORT AUTHORITY (AMENDMENT) BILL, 1993
(iii) THE MARRIAGE (AMENDMENT) BILL, 1993
(iv) THE CANADIAN PROTECTION (AMENDMENT) BILL, 1993
(v) THE EMPLOYMENT SECURITY PROTECTION REGULATIONS (AMENDMENT) BILL, 1993
(vi) THE CUSTOMS (AMENDMENT) BILL, 1993

ORDERS OF THE DAY

(i) PRIVATE BILL:
THE UNION OF GOD (UNIVERSAL) (INCORPORATION) BILL, 1993

(ii) THE PORT AUTHORITY (AMENDMENT) BILL, 1993
(iii) THE MARRIAGE (AMENDMENT) BILL, 1993
(iv) THE CANADIAN PROTECTION (AMENDMENT) BILL, 1993
(v) THE EMPLOYMENT SECURITY PROTECTION REGULATIONS (AMENDMENT) BILL, 1993
(vi) THE CUSTOMS (AMENDMENT) BILL, 1993

3. GOVERNMENT MOTION NO.1 OF 1993

TO BE MOVED BY THE HONOURABLE SAVING OFFICIAL MEMBER -

"IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 84(1) AND 69(3) IT IS MOVED THAT THE HOUSE DO APPOINT A SELECT COMMITTEE CONSISTING OF THE THREE ELECTED MEMBERS AND THE ATTORNEY-GENERAL TO CONSIDER SUCH AMENDMENTS AS MAY BE NECESSARY OR DESIRABLE TO THE CANADIAN PROTECTION BILL FOLLOWING THE GIVING EFFECT IN THE UNITED KINGDOM OF 1ST JANUARY, 1993 OF THE BRITISH NATIONALITY ACT, 1981, AND ALSO TO MAKE SUCH OTHER AMENDMENTS AS IT DEEMS FIT ON ALL MATTERS CONTAINED IN THE CANADIAN PROTECTION LAW OR OTHER BILLS TO CANADIAN SOURCE, NATIONAL CONSERVATION LAWS, IMMIGRATION AND DEPORTATION, AND THAT THE SELECT COMMITTEE BE AUTHORISED TO DISPOSE AND REPORT TO BE LAID ON WHICH PROCEEDINGS ARE HINDERED, RECOMMENDATIONS AND OTHER DOCUMENTS EMANATING BY THE SELECT COMMITTEE OF THE SAME OUTPUT AFFECTING UNDER THE PREVIOUS OPINION OF THE LEGISLATIVE ASSEMBLY."

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THURSDAY 24TH JANUARY, 1983

10:00 A.M.

MR. PRESIDENT: Please be seated. My apologies, I forgot to bow first.

Proceedings are resumed. Papers.

AUDITED ACCOUNTS TO BE LAID ON THE TABLE

HON. THOMAS C. JEFFERSON: 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 year ended 31st December, 1981 and The Government Savings Bank for the year ended 31st December, 1981, to be referred to the Public Accounts Committee.

MR. PRESIDENT: So Ordered.

COMMONWEALTH DAY MESSAGE - LAID ON THE TABLE

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the Table a message which has been sent out by Mr. Gerald R. Ottenheimer, Chairman of the Executive Committee of the Commonwealth Parliamentary Association.

The people of the Commonwealth number over one thousand million, and make up forty-seven separate nations.

The Commonwealth Parliamentary Association is an association of the Members of the Parliaments of these countries, and it is customary every year on Commonwealth Day for the Chairman to send out a message. Commonwealth Day is early in March, and as the House will not be sitting then this message is presented today.

MR. PRESIDENT: So ordered.

HON. TRUMAN M. BODDEN: Mr. President, if you would just allow me a minute or two, because the file that I had on the private bill I left it at my Law Firm and it is on the way over, but I will begin on it.

The first caveat to the petition for leave to .....

HON. D.H. FOSTER: Mr. President, there is one other matter before that, Sir.

MR. PRESIDENT: But the Honourable Member concerned is not here. The Member who was going to lay it is not here.

I am not sure whether Standing Orders permit another Member to lay the message that would have been laid by the Honourable Third Elected Member of Executive Council, but if another Member wishes to lay it and can refer me to a Standing Order that will permit that to happen I should be glad to ....

RESOLUTION FROM THE MISSOURI HOUSE OF REPRESENTATIVES - LAID ON THE TABLE

HON. TRUMAN M. BODDEN: Mr. President, I will lay on the Table for the Honourable Third Elected Member of Executive Council the resolution from the Missouri House of Representatives extending congratulations to the people of the Cayman Islands for the achievements attained throughout one hundred and fifty years.

MR. PRESIDENT: If I am right in thinking, it would be the wish of the House that the resolution should be formally laid, and I think it would be nice if it could be. I will allow the Honourable Second Elected Member of Executive Council to lay it in place of his colleague. And so order.

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) LAW, 1988

PETITION OF HAVE TO INTRODUCE BILL

HON. TRUMAN M. BODDEN: Mr. President, moving on to the Private Bill before this Honourable House, under Standing Order 61 the Bill has been published, and also has been on the 8th, 21st and 22nd published in a local news-paper circulating in the Islands, and I would ask that you give me leave to present the Bill to this House, Sir, under Section 61 (2).

MR. PRESIDENT: The question is that the procedure of the Private Bill notice of which has been given by the Honourable Second Elected Member for the Executive Council should be allowed to proceed.

The motion is open for debate. If no Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. LEAVE GRANTED.

MR. PRESIDENT: Permission to proceed is granted.

HON. TRUMAN M. BODDEN: Thank you, Mr. President.

There has been compliance with Standing Order 82, in that copies of the Bill and the brief and the necessary assurances in relation to the expenses have been carried out.

Mr. President, next I would ask that the Bill be read a first time.

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) LAW, 1988

FIRST READING

CLERK: The Church of God (Universal) (Incorporation) Law, 1988.

MR. PRESIDENT: The question is that a Bill entitled "The Church of God (Universal) (Incorporation) Law, 1988" be read a first time.

My understanding is that the Bill is now deemed to have been read a first time and is set down, and is on the Order Paper for second reading.

SECOND READING

CLERK: The Church of God (Universal) (Incorporation) Law, 1988.

HON. TRUMAN M. BODDEN: Mr. President, I now ask that we waive Standing Order 82 sub-order (2), the last paragraph, which relates to the Second Reading being at the next ordinary sitting of the House, and that you will permit the Bill to be read a second time at this sitting.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. President, Sir, it might also be useful when we are proposing the suspension of a portion of Standing Orders that we could, if the House so wished, also have sub-order (2) and (3) to be suspended also.

HON. TRUMAN M. BODDEN: Yes, Mr. President, that could all be done at one time. So I would ask that sub-orders (2), (2) and (3) be suspended, Sir.

HON. MICHAEL J. BRADLEY: At the risk of being a jack-in-a-box, Sir, I am reading on further and I think perhaps sub-orders (7), (8), (9) are

HON. MICHAEL J. BRADLEY (CONTINUING): ...also referring to the Select Committee to which the matter was referred under sub-order (4) and I think we may also have to suspend those.

MR. PRESIDENT: I wonder, can we properly at this stage suspend sub-orders (4), (5) and the various others you mentioned, because the procedures that are to be followed in accordance with those various sub-orders only take effect after the Bill has been read the Second time. You must be right, I suppose agree in principal, that if the Bill does pass its second reading, then we should be willing to suspend Standing Orders in the way contemplated. We cannot interrupte the House's agreement to the Second Reading, can we?

HON. MICHAEL J. BRADLEY: Mr. President, whilst we can surmise what the wish of the house may be, as I understand it, if we suspend sub-orders (3) and (5) and the others mentioned, what we do is to remove the necessity of going through the procedure. If we suspend all of those and, and in fact the House does not give that matter a second reading then the other consequences do not flow.

MR. PRESIDENT: I see.. Well, if the House is content I have no strong views, it will certainly be quicker and simpler to suspend the lot at once.

Let me put to the House the question that in accordance with the provisions of Standing Order 82 the provisions Standing Order 82(2) and - (correct me if I am wrong) - (3), (4), (5), (6), (7), (8) and (9) shall be suspended. The suspension of sub-orders (4) to (8) being contingent on the passage of the Second Reading through the House. That is the question. Unless any Honourable Member wishes to speak on it, I will put that question now.

QUESTION PUT: AGREED. STANDING ORDERS SUSPENDED.

MR. PRESIDENT: So, we have suspended everything that I think you could wish for.

HON. NORMAN M. DODDER: Thank you very much, Mr. President, in fact perhaps at the next stage that a private bill is being brought as the Honourable Second Official Member has stated it would be much simpler if it is non-controversial that we bring it as government business and avoid this fairly long procedure which I think is meant for bills other than those relating to churches.

Mr. President, this bill is one of several that have been presented to this Honourable House and its new and object is to incorporate the Church of God Universal and to create a body corporate with limited liability for the holding of the Church's property. It is non-controversial. It has in section 7 the usual savings clause to Her Majesty the Queen and her heirs and successors and it is the proper form so far as a bill of this type goes and I would ask that Members support it and that they not ask for it to go through the committee stage which the Standing Order has already been suspended in relation to and that after the Second Reading it will proceed directly to the Third Reading in the course later on today.

Thank you.

MR. PRESIDENT: The question is that a Bill shortly entitled The Church of God (Universal)(Incorporation) Act, 1982 be given a Second Reading. The motion is now open for debate.

If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Item 2, Government Business.

THE PORT AUTHORITY (AMENDMENT) LAW, 1988

FIRST READING

CLERK: The Port Authority (Amendment) Law, 1988.

MR. PRESIDENT: The Bill entitled "The Port Authority (Amendment) Law, 1988" is deemed to have been read a first time and to set down for second reading.

SECOND READING

CLERK: The Port Authority (Amendment) Law, 1988.

HON. G. HAIG BODDEN: Mr. President, I beg to move the second reading of a Bill entitled "The Port Authority (Amendment) Law, 1988"

This is a simple Bill and helps to carry out the wishes of the Members of the Assembly with regards to the safety provisions in the Law for vessels or boats which may be rented to tourists.

Sometime ago by questions in the House it was expressed that there is grave concern for boats which are rented to tourists. There have been occasions where these boats have been used and the occupants have experienced difficulties, because the boats did not have sufficient safety multi-purpose equipment. The equipment will be prescribed by regulations, but under the Port Authority Law there has been no special provision for Executive Council or the Governor in Council to make regulations. So the amendments which are proposed here to Section 8 and Section 18 of the principal law will merely enable the Governor in Council to make regulations for the safety equipment which should be carried by boats or vessels operating in our ports.

I will ask the Members to support this Bill, so that regulations can be drafted and put into effect.

MR. PRESIDENT: The motion before the House is, that a Bill entitled "The Port Authority (Amendment) Law, 1988" be given a second reading. The motion is open for debate.

Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE MARRIAGE (AMENDMENT) LAW, 1988

FIRST READING

CLERK: The Marriage (Amendment) Law, 1988.

MR. PRESIDENT: The Bill entitled "The Marriage (Amendment) Law, 1988" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Marriage (Amendment) Law, 1988.

HON. D.E. FOSTER: Mr. President, I beg to move the second reading of a Bill entitled "The Marriage (Amendment) Law, 1988".

Mr. President, this Bill, Sir, seeks to make it possible for persons who are not resident in the Cayman Islands

HON. D.H. FOSTER (CONTINUING): to be married here by special license.
The Bill looks long, Sir, but in truth and in fact, it is only one section which is contained in Clause 3.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, the Honourable Third Official Member has drawn attention to my dereliction of duty in failing to bring to your notice that we do need to suspend Standing Orders in this respect, as they provide that seven days notice of the Bill must be given to Members, and the notice was, I understand, sent out by the Clerk on the 16th, today is the 24th. This will also apply, Sir, to the three bills following.

SUSPENSION OF STANDING ORDERS

MR. PRESIDENT: Are you moving the suspension or is your colleague intending to do so?

HON. MICHAEL J. BRADLEY: With my Honourable colleague's permission, Sir, I would propose in accordance with Standing Order 48 that Standing Order 46(2) -(no, my apologies) - that 46(1) be suspended to enable the second reading and further stages to proceed.
I think that 46(2) is not applicable, because the Bill has been printed and gazetted, Sir. I am holding in my hand a copy of it. Standing Orders 46(1) and (2).

HON. D.H. FOSTER: I think you must put the question now, Sir.

MR. PRESIDENT: Yes, sorry. I was waiting to see whether you were putting it solely in respect of this Bill, or whether you were putting it comprehensively in respect of all the coming Bills.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I was only putting it in respect of this Bill, because the opinion of Honourable Members may vary in respect of other Bills and I doubt it presumptuous to try and consolidate. If it was the wish of Honourable Members that it be moved in respect of all the four following Bills, I could do that, Sir, and also propose that Standing Order 47 also be suspended which would enable us to take all readings of the next four following Bills today, as I see from the Order Paper, page two; that the third readings of these Bills are also set down for today.

MR. PRESIDENT: I think that it may be the wish of Members to complete business today, and I think perhaps we could put the question in the most general of forms, and if some Members speak against it we can always withdraw or amend the motion and take things step by step. For the moment I would allow a motion, that in accordance with the provisions of Standing Order 48, Standing Orders 46(1) and (2) and Standing Order 47 be duly suspended in respect of the Bills listed as (i), (ii), (iii), (iv) and (v) of Item 3 on the Order Paper.
Does any Honourable Member wish to speak on that question. If not I will put it.

QUESTION PUT: AGREED. STANDING ORDERS 46(1) and (2) and 47 SUSPENDED.

MR. PRESIDENT: Sir, I think we have suspended Standing Orders sufficiently to enable all the remaining four Government Bills to be fully considered, and all five Government Bills to be given a Third Reading when the time comes.

HON. D.E. FOSTER: Mr. President, I will now continue, Sir, but before continuing I would like to thank the Member for bringing that to my attention.

The Bill, Sir, although it looks long only has one new Clause which is contained in Clause 3. The other amendments are just consequential alterations, Sir, as a result of the new Clause.

In case there is fear in Members' minds that people will just come here simply to get married for convenience sake or to use the Islands for convenience, I think we are well protected, Sir, in the new Clause, and they have to properly satisfy the authority, which is yourself, that there is no impediment why they should not be married.

I think, Sir, this now brings us in line with other British places, and I recommend the Bill to Members and ask for their support, Sir.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Marriage (Amendment) Law, 1983" be given a second reading. The motion is open for debate. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1983

FIRST READING

CLERK: The Caymanian Protection (Amendment) Law, 1983.

MR. PRESIDENT: The Bill entitled "The Caymanian Protection (Amendment) Law, 1983" is deemed to have been read a first time and to set down for second reading.

SECOND READING

CLERK: The Caymanian Protection (Amendment) Law, 1983.

HON. T.H. FOSTER: Mr. President, I beg to move the second reading of a Bill entitled "The Caymanian Protection (Amendment) Law, 1983".

Mr. President, this is a very short amendment and it was thought necessary that we bring this amendment to the House at this sitting, although there is a committee going through the entire Law. We felt this was very necessary, and it provides that after a person has been convicted for overstaying that the Governor may make a deportation order without having further hearings before a Magistrate on the question of deportation. This is very necessary, Sir, because we find ourselves stuck with these people, although they are convicted we cannot get them off, and I think everybody will agree that this is very necessary, and I recommend the Bill to Members, Sir.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Caymanian Protection (Amendment) Law, 1983" be read a second time The motion is open for debate. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE ENDANGERED SPECIES PROTECTION AND PROPAGATION (AMENDMENT) LAW, 1993

FIRST READING

CLERK: The Endangered Species Protection and Propagation (Amendment) Law, 1993.

MR. PRESIDENT: The Bill entitled "The Endangered Species Protection and Propagation (Amendment) Law, 1993" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Endangered Species Protection and Propagation (Amendment) Law, 1993.

HON. JOHN B. McLEAN: Mr. President, I beg to move the second reading of a Bill entitled "The Endangered Species Protection and Propagation (Amendment) Law, 1993".

Mr. President, the Endangered Species Protection and Propagation Law, 1988 has been working satisfactorily to ensure that all animals and plants listed in the schedule of the principal law are protected, and in most cases allowed to propagate.

However, a slight amendment is required to allow a gap in the present law to be filled. This gap, Mr. President, would prohibit the killing of certain animals listed in the schedule of the principal law, and would only apply to the animals or animal whom the Governor by order published in the Gazette may specify for a specified time.

Mr. President, this is a small amendment, and I seek the support of Honourable Members for this Bill.

MR. PRESIDENT: The question is that a Bill shortly entitled "The Endangered Species Protection and Propagation (Amendment) Law, 1993" be read a second time. The motion is open for debate.

MR. CHAUNCEY BRAMBLE: Mr. President, I am wondering if this proposed amendment includes wild parrots as well.

Mr. President, I will make it abundantly clear that farmers are not going to stand idle and see parrots destroy their crops. So I am wondering if this is included in the Bill, because I am not prepared to give it any support if the wild parrots are included in it, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, it had not been my intention to speak on the second reading, but with the permission of the Honourable mover of the Bill I would perhaps say that what this amendment is doing is giving power to the Governor in Council to make an order if they think so fit prohibiting the killing by such order of such species at such times and subject to such conditions. This Bill of itself does not prohibit anything, it merely enables the Governor in Council when they deem it essential under certain circumstances to prohibit the killing of an endangered species.

MR. PRESIDENT: Does any other Honourable Member wish to speak, or the mover wish to reply?

HON. JOHN B. McLEAN: Mr. President, I would just like to thank the Second Official Member for clearing the point raised by the Member from North Side, and to point out that the question of wild parrots, they have already been on the endangered species law for many years, so they are protected there in any event.

I also would like to thank other Members for their support to the Bill.

MR. PRESIDENT: The question is that a Bill entitled "The Endangered Species Protection and Propagation (Amendment) Law, 1983" be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE CUSTOMS (AMENDMENT) LAW, 1983

FIRST READING

CLERK: The Customs (Amendment) Law, 1983.

MR. PRESIDENT: The Bill entitled "The Customs (Amendment) Law, 1983" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Customs (Amendment) Law, 1983.

HON. THOMAS C. JEFFERSON: Mr. President, I move the second reading of a BILL entitled "The Customs (Amendment) Law, 1983".

This Bill seeks to make a number of amendments to the Customs Law. These amendments were recommended by the Customs Advisor who reviewed this law last year at the request of Government.

The objectives of the amendments being proposed are to remove many a certain amount of dead wood, which has ceased to have any relevance, along with ambiguities which present problems of interpretation both for Customs and for the public alike. To modernise the Customs penal powers, so as to take account of inflation and bring them more in line with the penalties provided for under the Dore Authority Law; to provide the Customs with certain minor new powers designed to improve efficiency or to protect the revenue against smugglers or other fraudulent intent, so helping the community at large.

A good many of the amendments are mandatory behind in impact, though rationalisation desirable, while others are inter-dependent repetitions on the same theme in different sections of the law.

The Customs Department has experienced a variety of difficulties in administering the Customs Law hitherto, and the reason for these many amendments, Mr. President, is to allow them to administer the Law with less difficulties. Should Members agree to the amendments, it is my intention to ask the Second Official Member of this house for the Customs Law to be revised.

I recommend the Bill to Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled "The Customs (Amendment) Law, 1983" be given a second reading. The motion is open for debate. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Before inviting the House to go into Committee I should be grateful for guidance from the Second Elected Member of Executive Council.

My recollection is, that to avoid at one point that having suspended the appropriate part of Standing Order 62 we should not now need to take the Private Bill in committee at all. Perhaps I misunderstand him. I know that we do not have to refer it to a Select Committee, but I see from the Order Paper that it is down for committee

MR. PRESIDENT (CONTINUING): stage and I wonder whether the effect of what we did now to refer it to committee in the ordinary way rather than to a select committee.

HON. THOMAS M. SOUDEN: Yes, Mr. President, if we could take it along with the other Government Bills.

MR. PRESIDENT: So that we might, then.

In that case the House will now go into committee to study a Bill entitled "The Church of God(Universal) (Incorporation) Law, 1964" and other bills committed to it.

THE CHURCH OF GOD(UNIVERSAL) (INCORPORATION) LAW, 1964

(CONSIDERATION THEREOF)

CLERK: CLAUSE 1. SHORT TITLE.

HON. MICHAEL J. SMILEY: Mr. Chairman, Sir, perhaps we could have a ruling from you from the Chair in relation to the matters to be discussed at committee stage.

It is my understanding that although the Council has now printed these bills that some Members have not got round the printed version and are relying upon the stencilled copies which were circulated by the Clerk. In the unfortunate event that there are any minor discrepancies or typographical errors between the printed copy and the stencilled copy, I was just wondering which we were considering in committee stage now. I have both beside me and there are a couple of small typographical errors in the printed one. Are we going on the unstencilled one, Sir?

MR. CHAIRMAN: I am in the hands of Members. If a majority of the Members have not yet received the printed copies I can see it may be inconvenient for them to use these. Would Members prefer that we use the stencilled version?

CAPT. CHARLES L. KIRKCONNELL: Mr. Chairman, that is the only one we have.

MR. CHAIRMAN: I think perhaps we better use the stencilled version then.

The question is that Clause 1 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. INTERPRETATION.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. CREATION OF CORPORATION OF OFFICERS THEREOF.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. SEALING OFFICERS OF CORPORATION.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. VESTING OF PROPERTY.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 4. POWERS OF CORPORATION.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 7. GIVING OF RIGHTS.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: THE PREAMBLE.

QUESTION PUT: AGREED. THE PREAMBLE PASSED.

MR. CHAIRMAN: The Port Authority (Amendment) Law, 1993.

THE PORT AUTHORITY (AMENDMENT) LAW, 1993

COMMITTEE THEREOF

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW 18 OF 1970.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 14.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE PORT AUTHORITY LAW.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: The Marriage (Amendment) Law, 1993.

THE MARRIAGE (AMENDMENT) LAW, 1993

COMMITTEE THEREOF

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 11 OF CHAPTER 92.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. INSERTION OF NEW SECTION 27A.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF SECTION 25.

QUESTION PUT: AGREED. CLAUSE 4 PASSED.

CLERK: CLAUSE 5. AMENDMENT OF SECTION 26.

QUESTION PUT: AGREED. CLAUSE 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 27.

QUESTION PUT: AGREED. CLAUSE 6 PASSED.

CLERK: CLAUSE 7. AMENDMENT OF SUBSECTION 6.

QUESTION PUT: AGREED. CLAUSE 7 PASSED.

CLERK: CLAUSE 8. AMENDMENT OF SCHEDULE I.

QUESTION PUT: AGREED. CLAUSE 8 PASSED.

CLERK: A LAW TO AMEND THE MEDICINE LAW CHAPTER 88.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. SPEAKER: The Caymanian Protection (Amendment) Law, 1993.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1993

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 50 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE CAYMANIAN PROTECTION LAW HEREIN.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: The Endangered Species Protection and Propagation (Amendment) Law, 1993.

THE ENDANGERED SPECIES PROTECTION AND PROPAGATION (AMENDMENT) LAW, 1993

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF LONG TITLE OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. ADDITION OF NEW SECTION TO THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE ENDANGERED SPECIES PROTECTION AND PROPAGATION LAW, 1992.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: The Customs (Amendment) Law, 1993. Since this is a long Bill with some twenty clauses I will with the permission of the House invite the Clerk to call the clauses three or four at a time, under Standing Order 51(1).

THE CUSTOMS (AMENDMENT) BAY, 1964

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.
CLAUSE 2. AMENDMENT OF SECTION 2 OF PRINCIPAL LAW.
CLAUSE 3. AMENDMENT OF SECTION 7.
CLAUSE 4. AMENDMENT OF SECTION 11.
CLAUSE 5. AMENDMENT OF SECTION 12.

QUESTION PUT: AGREED. CLAUSES 1 TO 5 PASSED.

CLERK: CLAUSE 6. AMENDMENT OF SECTION 13.
CLAUSE 7. AMENDMENT OF SECTION 14.
CLAUSE 8. AMENDMENT OF SECTION 15.
CLAUSE 9. AMENDMENT OF SECTION 18.
CLAUSE 10. AMENDMENT OF SECTION 26.
CLAUSE 11. AMENDMENT OF SECTION 29.

QUESTION PUT: AGREED. CLAUSES 6 TO 11 PASSED.

CLERK: CLAUSE 12. AMENDMENT OF SECTION 29.
CLAUSE 13. AMENDMENT OF SECTION 32.
CLAUSE 14. SUBSTITUTION OF SECTION 33.
CLAUSE 15. AMENDMENT OF SECTION 38.

QUESTION PUT: AGREED. CLAUSES 12 TO 15 PASSED.

CLERK: CLAUSE 16. AMENDMENT OF SECTION 39.
CLAUSE 17. AMENDMENT OF SECTION 42.
CLAUSE 18. AMENDMENT OF SECTION 53.
CLAUSE 19. AMENDMENT OF SECTION 57.
CLAUSE 20. AMENDMENT OF SECTION 58.
CLAUSE 21. REPEAL OF SECTION 60.
CLAUSE 22. AMENDMENT OF SECTION 68.

MR. CHAIRMAN: The question is that Clauses 16 to 22 do stand part of the Bill.

MR. BENSON O. OKANGA: Mr. Chairman, in Section 13 there is a pencilled note here, which I understand, to say that some amendment are to be forthcoming during the committee stage, I do not know whether that .....

HON. MICHAEL J. BLADON: I think, Mr. Chairman, Sir, if I could enlighten Members that it was drawn to my attention that there is a technical matter which needs to be remedied, in that the marginal note to the section which is sought to amend is of such a nature that the marginal note does not include the subject of this new clause to be added. So it is merely to amend the marginal note thereto to enable it to read so that it includes the subject matter of the new proposed sub section (3).

Mr. Chairman, Sir, I beg leave of the House to move a committee stage amendment without notice.

MR. CHAIRMAN: Granted.

HON. MICHAEL J. HANLEY: Mr. Chairman, Sir, the marginal note on it now appears in the present Customs Law states "Times of Import and Export", and does not refer to the rates.

May I therefore propose the following committee stage amendment, that Clause 19 of the Bill be amended by the re-numbering of Clause 19 as Clause 19 sub-clause (1), and by the addition immediately following the newly re-numbered sub-clause (1) of the following new sub-clause -

"(2) Section 42 of the Principal Law be further amended by the deletion of the marginal note thereto and the substitution therefor of the marginal note - "Times and rates of Import and Export"."

Has the Clerk .....

MR. CHAIRMAN: That all seems to us just a little complicated, I wonder if it may be convenient for Honourable Members if I suspend proceedings for fifteen minutes now, that might give an opportunity for a typed version of the amendment to be circulated to Members, which would give them a clearer understanding of it and a fairer opportunity. Or , it is about this time we normally suspend proceedings , I will suspend proceedings now for fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. CHAIRMAN: Please be seated. Proceedings are resumed. The Customs (Amendment) Law, 1988 - Clause 19, a committee stage amendment has now, I think,been circulated to Members. So if I may, I will put the question that that amendment do stand part of the clause.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: I will now put the question that Clause 19 as amended, and Clauses 14, 17, 18, 20, 21 and 22 do stand part of the Bill. If no Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSES 16, 17, 18 AS AMENDED, 19, 20, 21,and AND 22 PASSED.

CLERK: CLAUSE 23. AMENDMENT OF SECTION 42.

CLAUSE 24. AMENDMENT OF SECTION 43.

CLAUSE 25. AMENDMENT OF SECTION 46.

CLAUSE 26. AMENDMENT OF SECTION 47.

CLAUSE 27. AMENDMENT OF SECTION 48.

CLAUSE 28. AMENDMENT TO SECTION 60.

CLAUSE 29. AMENDMENT OF SECTION 61.

QUESTION PUT: AGREED. CLAUSES 23 TO 29 PASSED.

CLERK: CLAUSE 30. AMENDMENT OF SECTION 63.

CLAUSE 31. AMENDMENT OF FIRST SCHEDULE.

CLAUSE 32. AMENDMENT OF SECOND SCHEDULE.

QUESTION PUT: AGREED. CLAUSES 30 TO 32 PASSED.

CLERK: A LAW TO AMEND THE CUSTOMS LAW REVISED.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in committee on a Bill entitled "The Church of God (Universal) (Incorporation) Law, 1983" and on various other Bills. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Report stage of The Church of God (Universal) Incorporation Law, 1978.

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) LAW, 1982

REPORT THEREON

HON. INUMAN M. BODDEN: Mr. President, I have to report that a Bill entitled "The Church of God (Universal) (Incorporation) Law, 1982" was considered by a committee of the whole House and passed without any amendments.

THE PORT AUTHORITY (AMENDMENT) LAW, 1983

REPORT THEREON

HON. G. HAIG BODDEN: Mr. President, I have to report that a Bill entitled "The Port Authority (Amendment) Law, 1983" was considered by a committee of the whole House and passed without any amendments.

THE MARRIAGE (AMENDMENT) LAW, 1983

REPORT THEREON

HON. W.H. FOSTER: Mr. President, I have to report that a Bill entitled "The Marriage (Amendment) Law, 1983" was considered by a committee of the whole House and passed without amendments.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1983

REPORT THEREON

HON. W.H. FOSTER: Mr. President, I have to report that a Bill entitled "The Caymanian Protection (Amendment) Law, 1983" was considered by a committee of the whole House and passed without amendments.

THE ENDANGERED SPECIES PROTECTION AND PROPAGATION (AMENDMENT) LAW, 1983

REPORT THEREON

HON. JOHN B. MCLEAN: Mr. President, I have to report that a Bill entitled "The Endangered Species Protection and Propagation (Amendment) Law, 1983" was considered by a committee of the whole House and passed without any amendments.

THE CUSTOMS (AMENDMENT) LAW, 1983

REPORT THEREON

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill "The Customs (Amendment) Law, 1983" was considered by a committee of the whole House and the following amendment was made:- That Section 33 of the principal Law was further amended by the deletion of the Marginal Note thereto and the substitution therefor of the Marginal Note - "Times and rates of import and export".

MR. PRESIDENT: All the Bills are accordingly set down for third reading.

CLERK: The Church of God (Universal) (Incorporation) Law, 1988.

The Port Authority (Amendment) Law, 1987.

The Marriage (Amendment) Law, 1988.

The Cayman Islands Protection (Amendment) Law, 1988.

The Endangered Species Protection and Propagation (Amendment) Law, 1988.

The Customs (Amendment) Law, 1988.

THE CHURCH OF GOD (UNIVERSAL) (INCORPORATION) LAW, 1988

THIRD READING

HON. TRUMAN M. BODDEN: Mr. President, I beg to move that a Bill entitled "The Church of God (Universal) (Incorporation) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE PORT AUTHORITY (AMENDMENT) LAW, 1988

THIRD READING

HON. G. HAIG BODDEN: Mr. President, I beg to move that a Bill entitled "The Port Authority (Amendment) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE MARRIAGE (AMENDMENT) LAW, 1988

THIRD READING

HON. D.H. FOSTER: Mr. President, I beg to move that a Bill entitled "The Marriage (Amendment) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE CAYMANIAN PROTECTION (AMENDMENT) LAW, 1988

THIRD READING

HON. O.K. FOSTER: Mr. President, I move that a Bill entitled "The Caymanian Protection (Amendment) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE ENDANGERED SPECIES PROTECTION AND PROPAGATION (AMENDMENT) LAW, 1988

THIRD READING

HON. JOHN H. McLEAN: Mr. President, I beg to move that a Bill entitled "The Endangered Species Protection and Propagation (Amendment) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE CUSTOMS (AMENDMENT) LAW, 1988

THIRD READING

HON. JEROME C. JEFFERSON: Mr. President, I move that a Bill entitled "The Customs (Amendment) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: And I think we can turn to Item 7. I am sorry, I thought you were getting up on a point of order connected with the Customs Bill.

HON. MICHAEL J. BRADLEY: No, Sir, it was going so smoothly that I thought we had already reached it.

GOVERNMENT MOTION NO. 1 - CAYMANIAN PROTECTION LAW

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with the provisions of Standing Orders 24(1) and 69(1) it is moved that the House do appoint a Select Committee comprising 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, 1988 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, Initial Naturalization Grants, Registration and Repatriation, and that the Select Committee so appointed do incorporate and draw to be part of their proceedings the Minutes, Recommendations and other business transacted by the Select Committee on the same subject appointed during the previous session of the Legislative Assembly.

Mr. President, Sir, this motion is substantially the same as the one that was passed by this Honourable House at its last session. However, since the House was prorogued until a new Session commenced all previous committees fell by the way-side, and it is necessary to re-establish this committee. It is unchanged in membership, and my motion are been so worded that the work already undertaken by this committee, it will be part of the present committee's proceedings.

I recommend this motion to the House.

MR. PRESIDENT: With the House's leave I shall not read the full wording of the motion again, as it is fairly lengthy. The motion listed as Item 4 on today's Order Paper, and just moved by the Honourable Second Official Member is now open for debate. Does any Honourable Member wish to speak? If not, I will put the question that the motion moved be carried.

QUESTION PUT: AGREED. THE MOTION WAS PASSED.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, perhaps you could appoint a Chairman.

MR. PRESIDENT: In accordance with the provision of Standing Order 69(2) I appoint the Second Official Member to be Chairman of the Committee.

ADJOURNMENT

MOVED BY HON. T.R. FOSTER.

MR. PRESIDENT: The motion is that the House do now adjourn. Does any Honourable Member wish to speak?

HON. JAMES H. BODDEN: Mr. President, very briefly, I would like to offer my congratulations to yourself and the First Official Member on the honours that you were given personally by the Queen, they were well deserved, and I offer your families the same congratulations.

HE. PRESIDENT: Thank you very much indeed. I should not like to actually adjourn without just remarking that this must be perhaps the most historic Meeting that the House has ever held starting as it did eight days ago with the Address from Her Majesty, and that I should like to repeat the words I said when we resumed proceedings earlier this week - words of gratitude to each and every Member of the House for the part which all of you played in helping to plan and prepare for a visit that I think everyone on the Islands found a great and triumphant success and was most enormously enjoyed and appreciated by the entire population. So I thank all of you very much, and I now put the question, I do not think I put it before.

QUESTION PUT. AGREED. AT 12:07 P.M. THE HOUSE ADJOURNED SINE DIE.

SECOND MEETING OF THE 1988 SESSION
OF THE LEGISLATIVE ASSEMBLY

(FIRST DAY - MONDAY, 30TH JUNE, 1988)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, G PETER LLOYD, CMG, OVO

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CBE, OVO, 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 PERCY M ROWDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M HUGHES	MEMBER FOR TOURISM AVIATION AND TRADE
HON G RAY HUGHES	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J WEBSTER 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, JNR.	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN HOWARD, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MRS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MYRTLE H KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR HADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FIRST DAY

MONDAY, 20TH JUNE, 1983

1. PRAYERS - REV. RALPH PICKERING, B.Th.D.

2. REPORTS -

FINANCE COMMITTEE -

(i) Meeting held on 9th March, 1983
(ii) Meeting held on 8th April, 1983
(iii) Meeting held on 9th May, 1983

BY CHAIRMAN, THE HONOURABLE THIRD OFFICIAL MEMBER (FINANCIAL SECRETARY)

ON THE CAYMAN ISLANDS POLICE FORCE, 1982 - BY THE HONOURABLE FIRST OFFICIAL MEMBER (CHIEF SECRETARY)

3. QUESTIONS -

THE FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE TURNER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.6: At a meeting of Finance Committee on the 6th of December, 1982, it was unanimously agreed, by the Members present, that Government consider termination of their contract with the Cayman Islands News Bureau which expires on 31st of August, 1983.
Will the Member state what action has been taken in this matter?

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO.7: Will the Member state when the report of Laventhal and Horwath on tourism in the Cayman Islands which was commissioned by Government some years ago, will be tabled in this Honourable Assembly or alternatively made available to its Members?

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR WORKS AND COMMUNICATIONS

NO.8: Will the Member state how many cubic yards of fill will be required to complete the current works programme at Owen Roberts International airport and from what source it is planned to obtain the said fill?

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.9: Will the Member state how many persons are employed in the Drug Squad in the Police Department?

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.10: Would the Member state what is the procedure when boats are confiscated by Government and what use does Government make of them?

NO.11: Will the Member say if the Royal Cayman Islands Police Force, and in particular the Drug Squad, are up to full strength at the present time?

NO.12: Will the Member say whether there are or will be regular patrols by the Police Boat around the Islands?

PRIVATE MEMBER'S MOTION NO.1: PRESS CODE - TO BE MOVED BY MRS ANNIE HUTSON EDEN, OBE, ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO BE SECONDED BY CAPT. CHARLES L. MCDOWALL, FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS.

4. GOVERNMENT BUSINESS: -

(1) BILLS: -

(a) THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1983
FIRST AND SECOND READINGS - COMMITTEE THEREON
THIRD READING (SUSPENSION OF STANDING ORDER 47)

(b) THE INTERPRETATION (AMENDMENT) BILL, 1983
FIRST AND SECOND READINGS (SUSPENSION S.O.46 (1) & (4))

(c) THE EVIDENCE (AMENDMENT) BILL, 1983
FIRST AND SECOND READINGS

(d) THE FIREARMS (AMENDMENT) (NO.2) BILL, 1983
FIRST AND SECOND READINGS

(e) THE POSTAL (AMENDMENT) BILL, 1983
FIRST AND SECOND READINGS

(f) THE SUMMARY JURISDICTION (AMENDMENT)(NO.2)BILL, 1983
FIRST AND SECOND READINGS

(g) THE SUPPLEMENTARY APPROPRIATION (1980) BILL, 1983
FIRST AND SECOND READINGS

(h) THE SUPPLEMENTARY APPROPRIATION (1981) BILL, 1983
FIRST AND SECOND READINGS

SUSPENSION S.O. 46 (1) and (4).

(i) THE SUCCESSION (AMENDMENT) BILL, 1983 (1ST & 2nd READINGS)

(j) THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1983
FIRST AND SECOND READINGS(SUSPENSION S.O.46 (1) and (4)

(k) THE CAYMAN ISLANDS STATUTION (AMENDMENT) BILL, 1983
FIRST AND SECOND READINGS (SUSPENSION OF STANDING ORDER 46 (1) and (4))

		COMMITTEE THEREON
(a)	THE INTERPRETATION (AMENDMENT) BILL, 1983	DC.
(b)	THE PATENTS (AMENDMENT) BILL, 1983	DC.
(c)	THE PATENTS (AMENDMENT) (NO.2) BILL, 1983	DC.
(d)	THE POSTAL (AMENDMENT) BILL, 1983	DC.
(e)	THE SUMMARY JURISDICTION (AMENDMENT) (NO.2) BILL, 1983	DC.
(f)	THE SUPPLEMENTARY APPROPRIATION (1980) BILL, 1983	DC.
(g)	THE SUPPLEMENTARY APPROPRIATION (1981) BILL, 1983	DC.
(h)	THE SUCCESSION (AMENDMENT) BILL, 1983	DC.
(i)	THE LAND HOLDING COMPANIES STAMP TRANSFER TAX (AMENDMENT) BILL, 1983	DC.
(j)	THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1983	

(11) GOVERNMENT NOTICE -

(a) NO.2: SELECT COMMITTEE TO CONSIDER DISPLAY AND PUBLICATION OF BLASPHEMOUS, OBSCENE AND TREASONABLE DISPLAYS AT CINEMAS

(b) NO.3: SELECT COMMITTEE TO CONSIDER ELECTION PROCEDURES AND AMENDMENTS TO ELECTIONS LAW.

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MONDAY, 20th June, 1983

10 a.m.

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

REV. 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 amongst us.

Especially we pray for the Governor of our Islands, the Member of the Executive Council and Members of the Legislative Assembly, that they may be enabled faithfully to perform the responsible duties of their high office.

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

And now as our Saviour Christ has taught us, Let us pray the Lord's Prayer together

Our Father, who art in Heaven, hallowed be Thy name, Thy kingdom come, Thy will be done, in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive them that trespass against us and lead us not into temptation, but deliver us from evil, for Thine is the Kingdom, the Power and the Glory, for ever and ever. Amen.

The Lord bless us and keep us, the Lord make His face 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.

PAPERS

- FINANCE COMMITTEE - MEETINGS HELD ON 8th March,8th April, and 4th May, 1983

HON. T.C.JEFFERSON: Mr.President, I beg to lay on the Table of this Honourable House the Reports of the Finance Committee for meetings held on the 8th March, 1983, 8th April, 1983 and 4th May, 1983.

MR.PRESIDENT: So ordered.

HON.T.C.JEFFERSON: Mr.President, the Report of Finance Committee for 8th March dealt with matters relating to the Cayman Turtle Farm. Finance Committee approved a resolution authorising negotiations with the owners of the then present Cayman Turtle Farm and approved a team of negotiators. Finance Committee also approved the retention of the services of Dr. and Mrs. Jim Wood for a period of one year, effective 1st April, 1983.

Another matter dealt with on the 8th of March was the video coverage of the 150th Anniversary Celebrations. Finance Committee approved a supplementary expenditure of $15,800 to complete the work on this taping.

HON. T.C. JEFFERSON (CONTINUING): The reports for the 8th of April, dealt again with Cayman Turtle Farm. A motion was moved and agreed that a committee be set up to look into the future and operations of the farm and formulate policies after the CITES convention to be held in Botswana.

A second motion agreed that Finance Committee accept the Letter of Intent for the Cayman Islands Government to proceed to purchase the farm.

Matter No.3, Mr. President, dealt with a guarantee to be issued to Mirclaw-Blackstone for a sum of $180,000 to allow the Cayman Brac Power and Light Company to purchase a new generator.

The report of 6th May dealt only with the Housing Corporation. It was agreed that the remaining sum of $68,000 under sub-head 14 of Head 40, Capital Expenditure, should be allocated as start-up expense for the Housing Corporation and these funds to be given as a loan.

It was further agreed that an additional sum of $76,000 as supplementary expenditure should also be allocated to the Housing Corporation, thus providing a total loan of $137,000. This is the end of the reporting, Mr. President.

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

CAYMAN ISLANDS POLICE REPORT, 1988

HON. N.H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Cayman Islands Police Force, 1988.

MR. PRESIDENT: So ordered.

EXPRESSION OF THANKS TO REV. RALPH PICKERING, R.T.H. FOR SERVICES AS CHAPLAIN TO THE LEGISLATIVE ASSEMBLY

MR. PRESIDENT: Although I find, that, inadvertently, I have missed my opportunity, because the Standing Order dealing with the arrangement of business says that Messages from the Presiding Officer or sent to him should be read before Reports and Papers are laid, I shall ask the indulgence of the House if I now say just a word of thanks to the Rev. Ralph Pickering, who will be leaving Grand Cayman at the end of this month on the completion of his tour of duty here.

I am sure all Members would wish me to express, on their behalf, our gratitude to him for his services to the Legislature during his stay in the Island and would wish me to express our warm good wishes to him, to his wife and his two sons for the future.

Thank you, Indeed and may God go with you.

I now turn to Item 3 on today's Order Paper - Questions. The First Elected Member for the Third Electoral District of the Lesser Islands.

QUESTIONS

THE FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO.6: At a meeting of Finance Committee on the 6th of December, 1963, it was unanimously agreed, by the Members present, that Government consider termination of their contract with the Cayman Islands News Bureau which expires on the 31st of August, 1963. Will the Member state what action has been taken in this matter?

ANSWER: The Company has been given notice in accordance with the terms of the contract.

SUPPLEMENTARIES:

CAPT. CHARLES K. KIRKCONNELL: Supplementary, Mr.President. Does this mean that the contract will terminate on the 31st of August?

HON. D.H.FOSTER: Yes, Sir.

MR. BENSON O.EBANKS: Supplementary, Mr.President. Could the House be told whether a new contract could possibly be in the process of negotiation or its negotiations may be going on?

HON. D.H.FOSTER: No, Sir. At this time I cannot say whether negotiations will commence before that time or not.

MR.PRESIDENT: If there is no further supplementary, I will call upon the Third Elected Member for West Bay to ask the next question.

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO.7: Will the Member state when the report of Lauenthal and Horwath on tourism in the Cayman Islands which was commissioned by Government some years ago, will be tabled in this Honourable Assembly or alternatively made available to its Members?

ANSWER: The report of Lauenthal and Horwath on tourism in the Cayman Islands is presently being studied in detail by Government, in view of other statistical information that is now available to the Department of Tourism. The report will be made available in due course.

SUPPLEMENTARIES:

MR. BENSON O. EBANKS: Supplementary, Mr.President. This answer is identical in substance to an answer given to a similar question must be at least a year ago, and I am wondering if the Member could give us some idea when "due course" will arrive in this instance.

HON. JAMES M. MOODEY: Mr.President, my idea on "due course" is this answer.

MR. BENSON O. BRANCH: Supplementary, Mr.President. Will the Member state whether the report contains recommendations or observations which are giving Government some problem why they are taking so long to study the report?

HON. JAMES M. MOODEY: It is the task of such information that is assisting Government.

MR. BENSON O. BRANCH: Further supplementary, Mr.President. Is the Member saying then that in his opinion the report serves Government no purpose or very little purpose?

HON. JAMES M. MOODEY: Mr.President, I am sorry but I am not obliged to give opinions.

MR. BENSON O. BRANCH: Further supplementary, Mr.President. Would the Member state whether Government is taking any steps to get a similar study done by someone else, since this report seems to be giving Government so much trouble.

HON. JAMES M. MOODEY: As far as I am aware, Mr.President, no money has been allocated by the Legislative Assembly for such a study.

MR. BENSON O. BRANCH: Further supplementary, Mr.President. Would the Member like such allocation to be made?

HON. JAMES M. MOODEY: Mr.President, this is a question that should not even have been put to the House; if in due course, it is needed, I am sure Government is quite capable of bringing such a motion to the House.

MR. PRESIDENT: If the Honourable Member had not answered quite so quickly I was going to say that I think he strayed a little bit far from the original question and we are not really, on what I would truly regard as supplementaries now. Unless therefore any Honourable Member has a supplementary that arises from the answer and arises directly from the answer given to the original question I shall feel obliged to move on to the next question.

If there is no further supplementary I will ask the Third Elected Member for West Bay to ask the next question.

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OR WEST BAY TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OR EXECUTIVE COUNCIL: MINISTER FOR COMMUNICATIONS AND WORKS.

No. 8: Will the Member state how many cubic yards of fill will be required to complete the current works programme at Owen Roberts International Airport and from what source it is planned to obtain the said fill?

ANSWER: A minimum of 20,000 cubic yards will be required to complete the works programme at Owen Roberts International Airport.
The sources of fill are under consideration and they are -
(a) cement-stabilised marl with marl becoming available from widening the strip;
(b) crush rock aggregate from High rock Aggregate Limited.

SUPPLEMENTARIES:

MR. BENSON O.EBANKS: Supplementary, Mr.President. Is the Member stating that in the event of action (a) being followed that sufficient marl will become available from the widening of the strip?

MR. PRESIDENT: I think perhaps if we could use the first answer before, because some of us may not be altogether sure what (a) said.

HON. C. HAIG BODDEN: The answer is yes.

MR. BENSON O.EBANKS: Supplementary, Mr.President. Would the Member state from which side of the strip this excess marl would be derived?

HON. C. HAIG BODDEN: I think it is the north side, Mr.President.

MR. ANDROS O.EBANKS: Further supplementary, Mr.President. Could the Member clarify if that is why the cement fill from the south side of the strip has been sold to private individuals?

HON. C. HAIG BODDEN: Mr.President, I do not know what happened to the fill from the south side. This is a transaction that was carried out by the Cayman Islands Corporation when the south side of the strip had been graded. It is my understanding that a similar exercise is to take place on the north side of the airstrip and Public Works has been asked to carry out the grading of the north side. Public Works are not involved in the grading of the south side.

MR. BENSON O.EBANKS: Mr.President, could the Member state whether the north side of the strip is as high as the south side?

HON. C. HAIG BODDEN: I do not know the answer to that, Mr.President.

MR. BENSON O.EBANKS: It is a pond.

MR. CRADDOCK EWING: Mr.President, one supplementary. Could the Member say if the Bodden Quarry had been approached for fill if it was needed?

MR. PRESIDENT: I am sorry, I did not quite hear it - the Member did not speak into the microphone, and I did not quite catch the supplementary. I wonder if you would be kind enough to repeat it.

MR. CRADDOCK EWING: I am sorry, Mr.President, anyway, I asked for your information if the Member could state if the Bodden Quarry had been approached for fill if so needed?

HON. C. HAIG BODDEN: I do not know, Mr.President, I can only say

HON.G.HAIG BODDEN (CONTINUING): that over the past Government has bought fill from the Bodden Quarry for different jobs. It is my understanding that they make a limited type of fill, these in aggregate, and whether this is the type required for this particular job I cannot say.

MR.SPEAKER: If there is no further supplementary, I will ask the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR THE BENCH NOMINATED DISTRICT OF BRACKIN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS:

NO.8: Will the Member state how many persons are employed in the Drug Squad in the Police Department?

ANSWER: Six persons.

SUPPLEMENTARIES:

MISS ANNIE HUTCHAS BODDEN: A supplementary question, Sir. Is this small number sufficient for the job they have to do, please?

HON.D.H.FOSTER: Mr.President, as far as I know, Sir, but on special occasions when the Drug Squad is engaged in a big operation officers from other Departments are called upon to give assistance.

MR.WALLACE EBANKS: Mr.President, a supplementary. Could the Member say how many locals or Caymanians are on the team?

HON.D.H.FOSTER: Mr.President, they are all Caymanians.

CAPT.CHARLES L.KIRKCONNELL: Supplementary, Mr.President. Will the Member state whether there is a drug officer at Cayman Brac and Little Cayman?

HON.D.H.FOSTER: Not specifically for that purpose, Sir. All the officers and I think there is an Acting Inspector up there at present who has training in this field and the number of them on the whole undertake the jobs or anything pertaining to drugs together, Sir.

MR. BENSON O.EBANKS: Supplementary, Mr.President. Could the Member state whether the additional help which is given on special occasions has ever included police cadets?

HON.D.H.FOSTER: Yes, Sir.

MR.BENSON O.EBANKS: A further supplementary, Mr. President. When these raids, shall I say, are being conducted are the police or the officers assisting these raids normally armed?

MR.SPEAKER: I think we are straying rather far from the original question. If the Member wants specific information

MR.PRESIDENT (CONTINUING): of this kind he should put down a specific question. The original question was simply "How many people are in the Drug Squad".

MR.BENSON O.EDWARDS: I bow to your ruling, Mr.President, but supplementaries can arise from the answer given and the answer was that supplementary force was used.

MR.PRESIDENT: But we are getting a little bit further.There supplementary man whom used to something that does arise from the original one, whether they are armed and if so, how many of them and so on and so on, we get rather further and further away. I will allow the Honourable Member to answer this time but a word of caution that supplementaries should not stray too far.

HON. D.V.FOSTER: Mr.President, it depends on the information received thus causing the raid to be made, that is to say, the seriousness of the raid and the type of person in the background as the person who is going to be raided. If it is a dangerous one the head of the Squad is armed.

MR.PRESIDENT: Is there any further supplementary? If not I will ask the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS:

NO.10: Would the Member state what is the procedure when boats are confiscated by Government and what use does Government make of them?

ANSWER: When an order of forfeiture is made, any person claiming to be the beneficial owner of the vessel, may within three months apply to the Court for restitution.
At the end of three months, if there is no claim, the vessel is either sold by public auction or put in the police service.

SUPPLEMENTARIES:

MR.O.DELMAIR EDWARDS: Supplementary, Mr.President. If so be the case would the Member say why the boat down at Governor's Harbour has not been put in the police service or sold. I understand that it is now sinking.

HON.D.V.FOSTER: Mr.President, that one is in the process of being put on auction now. It was not economical for the Police force to use it; it has two gasoline engines which are very expensive and furthermore, Sir, what boats we have now, numbering three, are just about all that our present crew can take care of.

MR.BENSON O.EDWARDS: A supplementary, Mr.President. Could I be told what Department, one or officer in Government decides when a boat is to be put into use in the Police service or auctioned?

HON.D.H.POSTER: Mr.President, if a boat is seized and it is superior to what we have, I think the recommendation would come from the person who is in charge of the Marine Section and then it would be a policy made by Government, that is provided the owner, the beneficial owner has not claimed it and paid the required fee.

MR.BENSON O.BRANCH: A further supplementary, Mr.President. The boat, once seized, having become Government property, should it not be disposed of at the instance of the Finance Committee as any other Government expenditure or property is disposed of, since that power given the Governor under the constitution, which does not, in my opinion, cover both?

HON.D.H.POSTER: Mr.President, I did not know, Sir, that the Finance Committee gave permission to get rid of Government property?

MR.BENSON O.BRANCH: It is a Government asset, Mr. President. The question I am asking does not it fall under the purview of the Finance Committee since it is an asset of the Government acquired through the Courts?

MR.PRESIDENT: Perhaps the Financial Secretary can help us. I must confess I did not know that the Finance Committee was regularly consulted whenever, for instance, the Government had got a broken-down vehicle which had always belonged to it, that it wanted to dispose of; maybe the Financial Secretary can tell us what the practice is?

MR.HAROLD O.EBANKS: Not, Mr.President, if I may explain, Sir, I am not referring to a broken-down vehicle because....

MR.PRESIDENT: You were saying, as I understood it, that it is the practice for the Finance Committee to be consulted before Government disposes of any property. Was that not what you were saying?

MR.BENSON O.BRANCH: Yes, and then I amplified it by saying that this asset was acquired through the Courts. And by way of explanation, in other words.....

MR.PRESIDENT: I do not think it makes any difference which way the asset was acquired, either Finance Committee is normally consulted before Government disposes of property or it is not and may be the Financial Secretary could tell us.

MR.BENSON O.BRANCH: With two short words, Sir, I can put the thing in perspective. Property owned by Government the money was voted by Finance Committee to buy it in the first instance. It then comes under the control of the Department, but here we are talking about an asset that has been acquired by virtue of an order of the Court, the same as money derived by Court fines, and money derived by Court fines can only be disposed of by the Finance Committee so I am saying an asset so acquired, in my opinion, falls under the same category.

MR.PRESIDENT: Well, may be either the Attorney-General or the Financial Secretary would like to comment. It seems

MR.PRESIDENT (CONTINUING): to me to be an ingenious but rather inaccurate sort of argument.

HON.J.MICHAEL BRADLEY: Mr.President, Sir, as I see it, the Finance Committee only would become involved in this once a boat, the subject of confirmation had been acted and the proceeds become a part of the general revenue of the country. If the boat is disposed of by being used for the use of the sea force or another Government Department, I do not see that it has become revenue. The Finance Committee, as I see it, is concerned with the voting and the authorization of the expenditure of money, and not of chattels or goods.

MR.BENSON O. EBANKS: Could I be told then, Mr.President, which Department, officer or arm of Government makes the decision?

HON. D.H.FOSTER: Mr.President, the cases that we have had so far where the boat was not made use of and therefore disposed of by sale, I have been normally notified and the Financial Secretary also be brought in on the matter and I guess between the two of us and the Commissioner of Police decide how it is to be sold.

MR.BENSON O.EBANKS: Supplementary, Mr.President. I am not interested in the sale, I am interested in who makes the decision as to when and which boat goes into police service.

MR.PRESIDENT: As I understand it you were answered by the First Official Member who said that he, in consultation with the Financial Secretary and the Commissioner of Police reached the decision as to whether a boat should be retained by Government for police service. The implication clearly is if they do not so decide then the boat is sold. If I misunderstood the Honourable Member....

HON.D.H.FOSTER: I answered him earlier on, Sir. I told him if a recommendation came from the officer through the Commissioner of Police in charge of the Marine Section of the Police that they wanted to retain the boat and it was better than what we had well, we would retain it.

MR.BENSON O.EBANKS: Yes, but I want to know who takes the decision to retain it?

MR.PRESIDENT: And as I understand it the First Official Member said he consulted the Financial Secretary and the two of them might then decide. Is that right?

HON.D.H.FOSTER: That's right, Sir.

MR.BENSON O.EBANKS: I missed that in his last answer, Sir, so I apologise.

MR.PRESIDENT: I think that came out in the last answer. That is my understanding of it.

MR.CHAUNCY EBANKS: Mr.President, could the Member say if any consideration has been given to a police boat to be stationed at Cayman Brac?

MR.PRESIDENT: I think we are getting really a long way from the first question. If you will recall, it was what is

MR. PRESIDENT (CONTINUING): the procedure when boats are manufactured by Government and what was done Government make of them. Again, since I have been rather lenient I will allow the Member to answer this question but would ask for Members' assistance in not straying too far with their supplementaries.

HON. D. H. FOSTER: I do not mind answering it, Sir. We have a police boat there now, a good boat, a new one and one suitable for just commissions work. It is also used for other purposes by the Public Works, if and when necessary, but the Police have full access to it at any moment of the night or day.

MR. CRADDOCK ESTWICK: This is not a supplementary, Mr. President. I would seek permission from this Honourable House through you, Sir, I unfortunately got my leg damaged on Saturday and to keep it down all day will give me some problems. I would ask permission if I could raise it once in awhile across the end of the table, Sir.

MR. PRESIDENT: Ask me if you could be.....

MR. CRADDOCK ESTWICK: Through you, Sir, if the House would grant me the privilege of raising my foot across the corner of the table.....

MR. PRESIDENT: I am sure the House would be indulgent, I certainly would be, and I am sure the House would wish me to extend their sympathy to you for your accident.

If there is no further supplementary I will ask the Elected Member for West Bay to ask the next question standing in his name.

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 11: Will the Member say if the Royal Cayman Islands Police Force, and in particular the Army Squad, are up to full strength at the present time?

ANSWER: The Army Squad is at full strength, but there are eight vacancies in the Police Force.

MR. PRESIDENT: If no Honourable Member has a supplementary question to ask I will invite the Second Elected Member for West Bay to ask the next question.

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 12: Will the Member say whether there are or will be regular patrols by the Police Boat around the Islands?

ANSWER: Except for one trip between 11th to 16th of August, 1962, to Cayman Brac and Little Cayman, the boats, namely LIMA II and LIMA III patrol the Island of Grand Cayman on a fairly regular basis.
The last such patrol was on Wednesday the 13th of June, 1963 on LIMA II.

MR. BENSON O. BRAINE: Mr. President, a supplementary, Sir. Could the Member state whether there was or is any reason why a trip to the Lower Islands has not been made subsequent to August, 1965?

HON. D.H. FOSTER: Yes, Sir. Very simply, we have been kept too busy here.

MR. D. BAINE (N FRANKS): Supplementary, Mr. President. Could the Member say whether there is going to be any special or deep concentration of patrols on the north coast of this Island?

HON. D.H. FOSTER: Mr. President, when the Police have an indication or get information of the departure of a suspected boat from here to pick up drugs and therefore return, we do special patrols to watch for it on the return.

Similarly, if such information is received of a foreign boat coming in with it, we watch out for it. This does not, however, prevent the boat doing regular patrols, although we have no information to go on, but they do regular patrols as well.

MR. BENSON O. BRAINE: A supplementary, Mr. President. Could the Member state where the police boats were about one o'clock on the morning of last Monday Fete Day?

MR. PRESIDENT: I do not think that is really arising from the answers, still less arising from the original question, so I shall rule it out of order because we have been very lenient with supplementaries so far today. I rather suspect the Honourable Member asked it in the expectation of being ruled out of order.

If there is no further supplementary question perhaps we can pass to the next item on the Order Paper which is Private Member's Motion No. 1.

PRIVATE MEMBER'S MOTION NO.1

POINT OF ORDER

HON. C. MAIR EDWARD: Mr. President, on a point of order I would like to draw your attention to Standing Order 14 (1) which states that Government Business shall have precedence over Private Members' Bills or Private Members' Business on all days other than Thursdays and the relevant part is that Government business shall have precedence.

MR. PRESIDENT: That is perfectly true. I had assumed, perhaps unwisely, that the Business Committee had, notwithstanding the provisions of Standing Order 14, agreed that on this particular occasion this particular motion should be taken at this stage and I would have thought that Standing Order 14 was not intended to preclude the Business Committee from agreeing on a particular occasion to take business in a different order from that which is normal, but rather as a general guide as to what should ordinarily be done.

HON. THOMAS M. HIGGINS: Mr. President, with respect, Sir, looking at 14 (1) it is mandatory and if it is to be altered, it has to be altered or waived in accordance with the provision laid down in the

HON.SIGNAL M. HAUGEN (CONTINUED): Standing Order, Sir. That Committee you referred to is not a Committee of the Whole House.

MR.PRESIDENT: But I am in the House's hands. It is perfectly true that Standing Order is down never to be quite specific.

HON.J.MICHAEL BRADLEY: If I may say so, Sir, if the House wishes to proceed with this Private Member's Motion now, in my opinion, it would need to suspend this particular Standing Order.

MR.PRESIDENT: In that case may I enquire whether anybody wishes to move the Suspension of Standing Orders in order to enable - I think the Honourable Member whose motion it is may herself prefer to leave her motion until later in the Order Paper. But I am in her hands.

MISS ANNIE HULDAH BODDEN: Mr.President, Sir, I will do anything within reason for peace.

MR.PRESIDENT: Well, in that case since perhaps it was by inadvertence that the Private Member's Motion got included at this stage in the Order Paper instead of appearing at the end of it, perhaps we can agree to transfer it to the end where it should have appeared.

MISS ANNIE HULDAH BODDEN: I shall do that, Sir.

MR.PRESIDENT: In that case we pass now to Government Business, Bills, Item 4 (1) (a) The Misuse of Drugs (Amendment) (No.2) Bill.

THE MISUSE OF DRUGS (AMENDMENT)(NO.2) BILL, 1998

FIRST READING

CLERK: Bill, 1998

The Misuse of Drugs (Amendment) (No.2)

MR.PRESIDENT: quite ready for this.

I shall be just a moment because I was not

A Bill for a Law to Amend the Misuse of Drugs Law, 1979 is deemed to have been read a first time and is set down for Second Reading.

CLERK:

SECOND READING

The Misuse of Drugs (Amendment)(No.2) Bill, 1998

HON.J.MICHAEL BRADLEY: moving of a bill shortly entitled the Misuse of Drugs (Amendment) (No.2) Bill.

Mr.President, Sir, I beg to move the Second

Mr.President, Sir, Honourable Members will remember that an amendment to the Misuse of Drugs Law was brought before this Honourable House in the sitting in December last year, that as a result of that bill being introduced it was decided that there should be a select committee appointed. A select committee was appointed which in due course produced its report and the amendment agreed by that committee formed the subject, together with the original proposals in the bill, which in its final form was passed at the meeting late in 1998.

It had been my unanimous intention, Mr.President Sir, at that time to ask people in their perusal and interpretation of that

HON.J.MUTHAKA NGALEY(CONTINUED): law by producing a revision in which all the various amendments would be incorporated therein. This is ready, but has not yet been published because since then several matters have arisen which make it desirable, most is necessary in my opinion, that a further short amending bill should be brought before this House.

If I may deal with the amendments that are proposed therein two of which are contained in the bill as published and a third short amendment which will be proposed by me at committee stage of which I have given notice to the Honourable Clerk and in respect of which I understand copies have been circulated to Members.

In addition to this, circumstances have arisen which necessitate me proposing an extra clause which will be moved at committee stage, without notice, later on hopefully today with the leave of the House.

Mr.President, Sir, the Misuse of Drugs Law, 1972 laid down certain minimum penalties for offences relating to controlled drugs which ranged from 1 day imprisonment up to 20 years minimum imprisonment. This law, as originally passed, was subject to the other provisions contained in our law regarding the power of a court to place offenders on probation, under the Probation of Offenders Law, Chapter 135 and the power contained under the Penal Code whereby in section 30 and 31 a person may give security for keeping the peace instead of or in addition to any other punishment to which he is liable, and, thirdly, under the Criminal Procedure Code whereby if the court was of the opinion that it is not expedient to inflict any punishment, notwithstanding that it finds the charge against the accused proved, it may make an order discharging the accused absolutely or conditionally.

Mr.President, Sir, this Honourable Assembly obviously considered in 1972 that these types of provisions were inappropriate because by the Misuse of Drugs (Amendment) Law, 1977 (which is Law number 9 of 1977) the principal law was amended by adding a new section 17. That section 17, at that time, read "Where a person is convicted of an offence under this Law(which is the Misuse of Drugs Law), " and the powers of sentence for the offence are contained in sub-sections (3), (4) or (4) of section 15, neither the Probation of Offenders Law nor section 30 and 31 of the Penal Code shall apply for the purpose of avoiding or mitigating that sentence.".

It seems clear to me,Mr.President, Sir, that the intention of this Honourable Assembly in 1977 was to say that the Misuse of Drugs Law lays down the penalties and the application of any other type of law or any law contained in the statute books shall not be used for the purpose of avoiding or mitigating that sentence.

Unfortunately, Mr.President, Sir, in that amending law, while there was specific mention made of the Probation of Offenders Law and the Penal Code, no mention was made of section 71 of the Criminal Procedure Code, which provides that the court shall have power in any case, either to convict an accused person and pass sentence accordingly to law, or, while or without recording his conviction, if it is of the opinion that it is not expedient to inflict any punishment, to make an order discharging the accused absolutely or conditionally.

In a recent case in the Magistrate's Court an accused person was found guilty of the offence of possession of a small amount of cannabis. The Magistrate gave as his judgment then that section 71 of the Criminal Procedure Code was not overruled by the section 17 amendment made in 1977 to the Drugs Law and accordingly discharged the accused under the said section 71. It

HON.F.MITCHAM, KHADLEY (CONTINUING): appears that at the time in 1977 and now still it is the intention of the Legislature that the Misuse of Drugs Law should be read by itself without reference to provisions regarding probations, suspended sentences, discharges. However, as there was no specific reference in the 1977 amendment to the Criminal Procedure Code, I consider that the Magistrate may well be correct in law in holding that he still had power in such circumstances to give an absolute discharge. It is because of this, Mr.President, Sir, that section 3 of the bill before this Honourable House is included and the purpose of this will be to remove such power so that when a person is found guilty under the Misuse of Drugs Law that the penalties stated in that law shall be passed upon him.

Mr.President, Sir, the second amendment contained in the bill before this Honourable Assembly is to correct section 16 of the Misuse of Drugs Law. Before October of last year the Misuse of Drugs Law provided that where a boat had been seized in the belief that the boat could only be returned to the owner if certain other circumstances were satisfied, or if three-quarters of the value of the boat or $200,000, whichever was the lesser, were paid into court by the owner. Unfortunately, at the time when the original bill was published the intention in regarding to say "seventy-five per cent of the value of the vessel should have to be paid into court" was the subject of a typographical error in which the "seventy" was left out and "five" remained. This was mentioned at this time, was considered in Select Committee and in fact, Mr.President, Sir, in the Select Committee consideration was given as whether or not it would be necessary to pay into court a higher figure, such as ninety per cent, but eventually the Select Committee decided that the figure of seventy-five per cent should apply, however, unfortunately, the error which had been in the original bill, crept in again and in the bill as reprinted to go pro, Sir, and passed the wording became "five per cent" again.

It has always been, as I understand, the intention of this House that the figure be seventy-five per cent of the value. The object of this amendment is to correct that unintentional printing error and to restore to the original figure of seventy-five per cent, and in this regard, Mr.President, Sir, I would call that the Committee stage motion, which I propose with leave of you, Sir, to introduce without notice, will make it abundantly clear by providing that this section shall be deemed to have come into effect on the 16th of February of this year which was the date in which it was assented to and also to provide that the court, any court, in relation to any offence committed at any time should read the figure as seventy-five per cent. I will explain that more fully to Honourable Members on the time when we are debating it at committee stage.

Finally, Mr.President, Sir, the other committee stage amendment which I have circulated to Honourable Members and which I will move at that time, is to correct a slight ambiguity in the wording of the main law, which provides that in relation to community service orders and to attendance orders that there shall be immunity in respect of offences against section 12 of the Law. Technically speaking they are not offences against section 12 of the Law, they are offences punishable under section 12 of the Law and my I say that this was a matter, a small matter which I do not think any court would have construed in any other way, but to say that they relate to punishable under, but it was the eagle eye of a particular publication on the Island that drew this to my attention, I thank them for it and I am now taking steps to make sure that it is abundantly clear what the intention of the Legislature was.

With these words, Mr.President, Sir, I beg to move the second reading.

MR.PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law, 1973 be given a second reading. The motion is open for debate.

If no Honourable Member wishes to speak I will put the question.

The motion is that a Bill entitled a Bill for a Law to amend the Misuse of Drugs Law, be given a second reading. Will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A SECOND READING

SUSPENSION OF STANDING ORDER 47

HON.J.MICHAEL BRADLEY: Mr.President, Sir, in accordance with Standing Order I propose the suspension of Standing Order number 47 to enable the Committee and remaining stages of the Misuse of Drugs (Amendment)(No. 2) Bill to be passed today.

MR.PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 82 that Standing Order 47 be suspended so that the committee stage and third reading of a Bill for a Law to amend the Misuse of Drugs Law may be dealt with at today's sitting. Does any Honourable Member wish to speak to that motion?

I will put the question that in accordance with the provisions of Standing Order 82 Standing Order 47 be suspended so that a bill for a Law to amend the Misuse of Drugs Law may be given three readings at today's sitting. Will those in favour please say aye, those against no, the ayes have it.

STANDING ORDER 47 SUSPENDED.

MR.PRESIDENT: The House will now go into Committee to study a Bill entitled A Bill for a Law to amend the Misuse of Drugs Law, 1973.

HOUSE IN COMMITTEE

THE MISUSE OF DRUGS(AMENDMENT) (NO.2) BILL, 1983

MR.CHAIRMAN: The House is now in committee.

CLERK: CLAUSE 1 - SHORT TITLE.

MR.CHAIRMAN: The question is that clause 1 stand part of the bill. If there is no debate I will put the question. Will those in favour please say aye, those against no, the ayes have it.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 14 OF ACT 14 OF 1973

HON.J.MICHAEL BRADLEY: Mr.Chairman, Sir, in accordance with the provisions of Standing Order 82 (1) and (2) I have already given notice that I will, at this stage, move the following amendment to the Misuse of Drugs (Amendment) (No.2) Law, 1983. The amendment is as follows, Sir - that the Misuse of Drugs (Amendment) (No.2) Law, 1983 be amended -
(a) by the renumbering of Clause 2 as Clause 3 and Clause 3 as Clause 4, and
(b) by the addition, immediately following Clause 1, of the following new clause -

HON.J.MICHAEL BRADLEY (CONTINUING):

"Amendment of s.12 of Act 18 of 1973.

2. Section 12 of the Misuse of Drugs Act, 1973 hereinafter called the principal law, is amended, in sub-sections (5), (6) and (9) by the deletion of the words "imprisonment for" wherever such words occur and the substitution therefor in each case of the words "otherwise punishable under".

MR.CHAIRMAN: The motion is that in accordance with the provisions of Standing Order 54 (2), notice of an amendment having been given, clauses 1 and 2 of the bill be re-numbered as clauses 2 and 4 and a new clause 3, the wording of which has been read out, be substituted for clause 2 as originally contained in the bill.

Does any Honourable Member wish to speak on this amendment? If no Member does, I will put the amendment to the question. Will those in favour please say aye, those against no, the ayes have it.

The motion now is that Clause 2 as amended (or the new clause) be part of the bill. Does any Honourable Member wish to speak to that motion? If not, I will put the question will those in favour please say aye, those against no, the ayes have it. Clause 2 as amended stands part of the bill.

CLERK: CLAUSE 3 (AMENDMENT OF S. 15 OF THE PRINCIPAL LAW.

MR.CHAIRMAN: The question is that clause 3 stand part of the bill and for the clarification of Members was originally in the green bill printed as Clause 5 but now become clause 3, as clause 3 amends section 15. Does any Honourable Member wish to speak to that clause? I will put the question that clause 3 stand part of the bill. Will those in favour please say aye, those against no, the ayes have it.

CLERK: CLAUSE 4 AMENDMENT OF SECTION 17 OF THE PRINCIPAL LAW.

MR.CHAIRMAN: The question is that clause 4 which is what was originally printed as clause 4 and which amends section 17 do stand part of the bill. Does any Honourable Member wish to speak? I will put the question. Will those in favour please say aye, those against no, the ayes have it.

HON.MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with the provisions of Standing Order 52 (2) I ask leave of the Chair to propose a Committee stage amendment to this bill of which notice has not been given in accordance with the provisions of the said Standing Order.

MR.CHAIRMAN: Notice has not been given, do you wish to suspend Standing Orders to enable the.....I thought notice had been given, but perhaps not.

HON.MICHAEL J. BRADLEY: No, sorry, it is not to suspend Standing Orders, Mr.Chairman, it is the leave of the chair I am asking for to move it under Standing Order 52 (2). This is the one I have just circulated of which no notice has been given.

MR.CHAIRMAN: Oh! Yes, I beg your pardon. I gave leave in accordance with the provisions of Standing Order at paragraph (2) for the amendment which has just been circulated to be moved.

MR.MICHAEL J BRADLEY: Mr.Chairman, Sir, in accordance with the provisions of Standing Order 53 (1) and (2), I beg to move the following amendment to the Misuse of Drugs (Amendment) (No.2) Law, 1968 - that the Misuse of Drugs (Amendment) (No.2) Law, 1968 be amended by the addition immediately before the end thereof of the following new clause -

"Commencement and declaration of power of Court.

5. (1) Section 2 of this Law shall be deemed to have come into operation on the 19th day of February, 1968.

(2) It is hereby declared, for the purposes of section 14 (4) of the principal law, that in respect of any offence committed between the 19th day of February, 1968 and the date of the coming into operation of this Law, a court shall not have any power to make an order under section 14 (1) unless there has been paid into court a redemption fine equivalent to seventy-five percentum of the value of the vessel, and the refusal of any court to make such an order where a sum less than seventy-five percentum of the value of the vessel has been paid into court, shall not be inquired into nor the subject of any proceedings in any court.".

Mr.Chairman, Sir, I think that the intent of this proposed new clause is self-explanatory. I do not wish to speak on it in any great detail other than to add that if certain circumstances had not arisen it would not have been necessary to put in this additional clause, but the amendment could have taken its effect in the normal way.

MR.CHAIRMAN: The motion is that a new clause 5, the wording of which has just been read out to the committee, shall be added to the Bill. Does any Honourable Member wish to speak?

MR.BENSON O.EBANKS: Yes, Mr.Chairman, I have a question, and I am wondering if the Member in question minds to a boat that the Police might need?

HON.MICHAEL J.BRADLEY: I did not hear the Member and I will not hear him.

MR.CHAIRMAN: Does any other Honourable Member wish to speak? In that case I will put the question that the new clause 5 details of which have been read out, do stand part of the Bill. All those Members in favour please say aye, those against no, the ayes have it.

HON.MICHAEL J.BRADLEY: Mr.Chairman, Sir, with your leave, the Clerk has very properly drawn to my attention that in the newly numbered clause 3 there are now certain redundant words and in order to effect neatness in the wording of the Bill it would be necessary in Clause 3 to amend the words "Misuse of Drugs Law, 1971 hereinafter called the", so that Clause 3 would read "section 14 of the principal Law". I would first of all, Mr.Chairman, Sir, ask leave to you, Sir, to introduce an amendment without notice and to re-number Clause 3 for this technical tidying up.

MR.CHAIRMAN: In accordance with the provisions of Standing Order 52 (2) I give leave for the amendment to be introduced and the

MR.CHAIRMAN (CONTINUING): section to be re-committed.

HON.MICHAEL J.BRADLEY: Mr.Chairman, thank you, Sir. In accordance with the provisions of Standing Order 68 (1) and (3) I propose that in the newly-renumbered Clause 2 that the words "Misuse of Drugs Law, 1978" hereinafter called the be deleted and also the closing bracket after the word "Law" in the second line, so that the Clause would read in the short "Section 14 of the principal Law is amended".

MR.CHAIRMAN: The motion before the Committee is that section 2 be amended in the manner just described. Does any Honourable Member wish to speak? If not I will put the question, will those in favour please say aye, those against no, the ayes have it.

HON.MICHAEL J. BRADLEY: Thank you.

CLERK: A BILL FOR A LAW TO AMEND THE MISUSE OF DRUGS Law, 1978

MR.CHAIRMAN: The question is that the title stand part of the bill. If there is no debate, I will put the question. Will those in favour say aye, those against no, the ayes have it.

That concludes proceedings in Committee on a bill entitled a Bill for a Law to Amend the Misuse of Drugs Law.

The House will resume.

HOUSE RESUMED

MR.PRESIDENT: Before the House does its first orderly business, I think it may be convenient to Members if I suggest that we take a short break for about 15 minutes and then continue.

If I may, I should like to ask Members if they would be kind enough to go initially for just one moment to the Committee Room where I would like to have a private word with them before we take refreshments. Thank you very much indeed.

AT 11.30 A.M. THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED AT 12.05 P.M.

THE MISUSE OF DRUGS (AMENDMENT) (NO.2) BILL, 1982

REPORT THEREON

HON.MICHAEL J.BRADLEY: Mr.President, Sir, I beg to report that a bill shortly entitled The Misuse of Drugs (Amendment) (No.2) Law, 1982 has been duly passed in Committee with four amendments.

MR.PRESIDENT: The bill is accordingly set down for third reading.

THIRD READING

CLERK: THE MISUSE OF DRUGS (AMENDMENT) (NO.2) LAW, 1982

HON.MICHAEL J.BRADLEY: Mr.President, Sir, I beg to move that a bill shortly entitled The Misuse of Drugs (Amendment) (No.2) Law, 1982 be read a third time and passed.

MR.PRESIDENT: The motion is that a bill entitled a law to Amend the Misuse of Drugs Law, 1978 as amended be given a third reading and passed. Does any honourable Member wish to speak? If not, I will put the question, will those in favour please say aye, those against no, the ayes have it.

THE INTERPRETATION (AMENDMENT) BILL, 1982

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1982

FIRST READING

MR.PRESIDENT: A bill for a law to amend the Interpretation Law to decease be have been read a first time and be set down for Second Reading.

SECOND READING

HON.MICHAEL J. BRADLEY: Mr.President, Sir, section 21 of the Interpretation Law, which the short bill before this Honourable House seeks to amend, at present provides that, and I quote, "Whenever any change in title of any public officer occurs the Governor, if occasion requires, may, by notice in the Gazette declare that such change of title shall take effect..... " and I understand that this bill has not been published seven clear days before the sitting of this Honourable House and therefore before I proceed on the second reading I shall have to pursue the suspension, in accordance with Standing Order 82 of Standing Order 42 (1) and 42 (4).

SUSPENSION OF STANDING ORDER 42 (1) and (4)

MR.PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 82, Standing Order 42 (1) and (4) shall be suspended to enable a bill for a Law to amend the Interpretation Law to be read a Second time. Does any honourable Member wish to speak?

MR.PERSON O.EVANS: I am not opposing the motion, Mr.President and I rise to speak only to make the comment that not only has this bill not been published or such, out in fact most of the business before the House did not reach Members in the prescribed time and I would request, as I have done in the past that Members be given at least the statutory

MR.ARNOLD O.NEAVES (CONTINUING): required length of time to study the bills so that we can do so properly and without undue haste. Thank you.

MR.PRESIDENT: Any other Honourable Member wish to speak?

CAPT.CHARLES L.KIRKCONNELL: Mr.President, I would like to endorse what the Third Member has just voiced. I brought this to the House before and we are coming here to pass laws we have not had sufficient time to study and we are asking ourselves why we cannot be given even more than the prescribed seven days. I do not think we are asking anything unreasonable, Sir.

HON.D.H.ROSLIN: Mr.President, I only have one comment here and it is a pity that Standing Orders do not give us a specific time for questions, too, Sir. I received my questions this Thursday.

HON.TIMOTHY M.DONEGAN: I endorse that, Mr.President, what the First Unofficial Member said. What is good for the goose is good for the gander.

CAPT. CHARLES L.KIRKCONNELL: Mr.President, I would like to comment on that. I am not aware of this, perhaps the Member did not put the question in time, but I can assure you that it was put into this House many days expecting that and he should have had that in time however it was submitted at least 10 days I think before the sitting here today.

MR.PRESIDENT: In fact, as far as questions are concerned, my understanding is that Standing Orders do not, at the moment, provide a specific number of days notice and it may be desirable to consider whether they should do so.

As far as bills are concerned, I thought a number of bills had been circulated quite a long time in advance, and some in typescript, rather than in printed form. Is that not so?

HON.MICHAEL J.HAGGERTY: Mr.President, Sir, it is my understanding of the House and my own wish that as much time as possible be given the Members and copies of bills be given to Members, but I would respectfully point out to the Members here that of the one, two, three, four, five, six, seven, eight, nine, ten, eleven bills that are before the House that one, two, three, four, five, six of these bills were circulated to Members in May and published in the Extraordinary Gazette on June the third which is almost three weeks ago. Of the other bills they have been published in an Extraordinary Gazette today but it is my understanding that the provisions of Standing Order 46 (1) which relate to caption to reach many Members not less than seven days before it is proposed to be read a first time, may have failed to be complied with only by one or two days. The bills in fact have been published in the Extraordinary Gazette today, but if Members wish the seven days notice to apply my understanding is that the seven days will be up tomorrow so we could take the readings then without suspending Standing Orders.

MR.PRESIDENT: My understanding was that Members wished to make a point and put down a marker rather than to oppose Second Readings being and I think the point is fairly made and I think it is a valid point.

MR.BENSON O.EBANKS: Mr.President, I would just add that publishing a bill in the gazette does not say when the bill is going

MR. HENSON O. EDWARDS: (CONTINUING): to come before the House. The point I am making is that the bill can be gazetted in May but it might not come before the House in September so I am talking about getting it and knowing what your business is.

MR. PRESIDENT: I do not read Standing Orders as requiring Members to be informed of the date on which a bill is to be introduced, so many days before it is introduced. It has to be gazetted not less than seven days before it is proposed to be read but when gazetting it you are not required or required to specify the date on which it will be read, and I think may be .....

MR. HENSON O. EDWARDS: That is the exact point I am making, Sir, but we are required to be given seven days' notice of all matters coming before the House, so what I am saying is that a bill having been gazetted in May does not imply that it is coming before the House today.

MR. PRESIDENT: What is it that requires, what Standing Order requires you to be given seven days' notice?

HON. MICHAEL J. BRADLEY: 46 (1), Sir.

MR. PRESIDENT: Well 46 (1) does not specify that you have got to be told on what date a measure is coming before the House; in other words supposing that a bill had been published in May, 46 (1) would have been satisfied even though it had not been stated until today or until a day or two ago, that today was the date on which the bill was going to be introduced. That is my understanding of the matter.

HON. MICHAEL J. BRADLEY: If, Mr. President, Sir, Members wish to consider 46 (2) which says that the title of every bill gazetted and circulated shall be placed on the Order Paper for First Reading on the next sitting day after gazetting and circulation, so technically it appears before us for a First Reading, but of course all we need to do is formally read it a First time and we do not get down to the meat of the bill until such time as Government business so dictates of it.

MR. PRESIDENT: Anyway, I think the point has been adequately made and adequately noted and I am sure that the Honourable Members on the Government side of the House will do everything that they reasonably can to ensure that the necessary notice is in future given of bills.

I now look now to the motion which is that in accordance with the provisions of Standing Order 62, Standing Order 28 (1) (2) be suspended to enable the Second Reading of a bill to amend the Interpretation Law. If no other Honourable Member wishes to speak to that motion I will put the question. Will those in favour please say aye, those against no, the ayes have it and the Second Reading may therefore commence.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, thank you for the Suspension of Standing Orders. I would move that a bill shortly entitled The Interpretation (Amendment) Law, 1988 be read a Second time.

Mr. President, Sir, as the Law at present stands, section 51 provides that whenever any change in title of any public officer occurs the Governor, if occasion requires, may by notice in the gazette, declare that such change of title shall take effect from the date specified in such notice and with effect from such

HON.MICHAEL J.BRADLEY (CONTINUING): ...any reference in any law to the former title of such office shall be read and construed as a reference of such office by such new title as the Governor may declare in such notice.

Whilst, Mr.President, Sir, there is power to change the title of an office, there is no similar provision at present contained in the Law as regards Government Departments, Branches, Agents, Organs or statutory bodies and, while it is possible to change the title of any of the public officers it is not presently possible to change the title of a branch of Government. The Bill which is before the House, proposes to amend that section 61 so as to provide that the Governor may by notice in the Gazette, declare that a change of title of any Department, Branch, Agency, Organ of Government shall take effect and that references in any laws to the former title shall be references to the new title.

I think the tenor of the amendment is in accordance with the spirit of the original section and it is a minor change seeking to enable His Excellency the Governor to change by notice under the Interpretation Act, the titles of Government bodies if he so wishes.

With that short introduction, I commend this bill and the Second Reading to the House.

MR.PRESIDENT: The question is that a bill entitled a Bill for a Law to Amend the Interpretation Law be given a second reading. The motion is open for debate.

If there is no debate I will put the question. Will those in favour please say aye, those against no, the ayes have it.

THE EVIDENCE (AMENDMENT) BILL, 1983

CLERK: THE EVIDENCE (AMENDMENT) BILL, 1983.

FIRST READING

MR.PRESIDENT: A bill entitled a Bill for a Law to amend the Evidence Law, 1978 is deemed to have been read a first time and is set down for Second reading.

SECOND READING BILL WITHDRAWN

CLERK: THE EVIDENCE(AMENDMENT) BILL, 1983.

HON.MICHAEL J.BRADLEY: Mr. President, Sir, with the permission of the Chair I would beg to postpone the taking of the Second Reading of this bill until our next session of the Legislative Assembly,and not to proceed with the Second Reading today. I am sure that will be in accordance with the wish of Members to give it sufficient time to be studied.

MR.BENSON O.EBANKS: It certainly underlines the point I made.

MR.PRESIDENT: I am not sure whether - is there a specific motion that the Member has moved or.

HON.MICHAEL J.BRADLEY: As I see it, Mr.President, Sir, that I am not specifically proposing the withdrawal in accordance with Standing

HON.MICHAEL J. BRADLEY(CONTINUING): Order 38 which would require a motion. All I am indicating to Members is that with the permission of the Chair I am withdrawing this item from today's Order Paper. If the Chair feels that a formal motion under 38 is required I shall be happy so to move. My experience in the past has been that the procedure of the House has been not to require a formal motion.

MR.PRESIDENT: Subject to the views and wishes of Members I would be content to allow it to stand like that and then we should simply not proceed with the Second Reading for the time being, leaving it to the Member in charge of the bill to arrange for it to be put on to the Order Paper again in due course.

Unless any Honourable Member wishes to comment I am quite content to leave it on that basis.

THE FIREARMS (AMENDMENT) (NO.2) BILL, 1983

CLERK: THE FIREARMS (AMENDMENT) (NO.2) BILL, 1983

FIRST READING

MR.PRESIDENT: The bill entitled A Bill for a Law to Amend the Firearms Law is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

CLERK: THE FIREARMS (AMENDMENT) (NO.2) BILL, 1983

HON.D.H.FOSTER: Mr.President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Firearms Law (Revised) 1954.

Mr.President, this is a very short amendment and it seeks to provide for re-loaders, that is to say re-loaders to reload cartridges for shotguns or any other type of cartridge to be licensed and to be able to issue a permit under it. It will give persons wishing to own and operate these re-loaders a legal position to apply for a permit to do so. Up to this point this does not exist and it can get out of hand. It is a short amendment and I commend it to Members.

MR.PRESIDENT: The question is that a bill entitled a Bill for a Law to Amend the Firearms Law(Revised) 1954 be given a Second Reading. The motion is open for debate.

If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

THE POSTAL (AMENDMENT) BILL, 1983

CLERK: THE POSTAL (AMENDMENT) BILL, 1983

FIRST READING

MR.PRESIDENT: A bill entitled A Bill for a Law to Amend the Postal Law is deemed to have been read a first time and is set down for Second Reading.

SECOND READING:

CLERK: THE POSTAL (AMENDMENT) BILL, 1983

HON.O.KILO MODDEN: Mr.President, I beg to move the Second Reading of a bill for a Law to Amend the Postal Law, Law 25 of 1977.

This bill, Sir, had been gazetted for a couple of months and has been circulated to the Members on time. Commiting to the Latter from the Clerk this bill went to them on the 2nd of June, 1983 which was about 3 weeks ago. So there is no question about the timing of the bill.

The bill seeks to amend the Postal Law to take care of situations which have recently arisen because of many businesses having entered the computerized age. The amendment to section 13 of the Law will make provision for postage by means of post office franking machines or by impressions made by printing press or other printing or stamping process.

We already have in the law provision whereby postage can be collected through a franking machine, but many businesses would now like to send out their bills without the use of envelopes with the Post Office simply putting a stamp and this amendment will take care of it.

The other amendment to section 24 will legalise the situation which has existed for many years and that is with people delivering to the Post Office what is known as unaddressed mail or flyers which they request the Postmaster to put in each post office box. This mail is usually advertising material and it is printed on open sheets and the Post Office simply collects a fee for which there had been no authorization in the law. It has worked well in that the customer has been satisfied with the service; he simply presents a stack of papers, they are put in the post office boxes and distributed to the addressees.

The Amendment to section 24 simply makes provision for the Postmaster to make a charge for this unaddressed mail and that is the substance of the bill. I ask for the support of the Members.

MR.PRESIDENT: The motion is that a Bill entitled: a Bill for A Law to Amend the Postal Law be given a Second Reading. The motion is open for debate. If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

THE SUMMARY JURISDICTION (AMENDMENT) (NO.2) BILL, 1983

CLERK: THE SUMMARY JURISDICTION (AMENDMENT) (NO.2) BILL, 1983

FIRST READING

MR.PRESIDENT: The bill entitled A Bill for A Law to Amend the Summary Jurisdiction Law is deemed to have been read a first time and is set down for second reading. But before we proceed with the Second reading of it perhaps I may ask Honourable Member whether they prefer to break at this point for lunch or whether they would try to get through a few more second readings before we break. I am in Members' hands.

HON. TRUMAN M. BODDEN: Mr.President, I think we should just go on. We seem to be making some progress.....

MR.PRESIDENT: We are making quite good progress. If Members would be happy to go on for another ten minutes or so, we might get through quite a lot. Very well, I am sorry to have interrupted.

SECOND READING - BILL ENTITLED

CLERK: THE SUPREME JURISDICTION (AMENDMENT) (NO.2) BILL, 1993

HON.MICHAEL J.HAUSKEY: Mr.President, Sir, perhaps I can advise the process of expedition when I say that as this is a addendum Bill to the Evidence (Amendment)Bill which I previously said I would withdraw from the Order paper at this sitting.I, with your permission, Mr. propose to withdraw the Summary Jurisdiction (Amendment) (No.2) Bill on account of the Second and further readings from this sitting of the Legislative Assembly.

MR.PRESIDENT: Subject to any views Members may have I propose to adopt the same procedure as was adopted with the Evidence Bill, that is to say to permit the Member in charge of the bill has discretion to ask that it be restored to the Order Paper in due course in which case we can proceed to the next Bill.

THE SUPPLEMENTARY APPROPRIATION(1990) BILL, 1303

CLERK: THE SUPPLEMENTARY APPROPRIATION (1990) BILL, 1993

FIRST READING

MR.PRESIDENT: The Bill entitled a Bill for a Law to Allow and Confirm Certain Expenditures during the Financial Year 1990 is deemed to have been read a first time and is set down for Second Reading.

CLERK: THE SUPPLEMENTARY APPROPRIATION (1990) BILL, 1993

SECOND READING

HON.T.C.JEFFERSON: Mr.President, I move the Second Reading of a Bill entitled a Bill for A Law to Allow and Confirm Certain Expenditure during the financial year 1990.

This bill, Mr.President, seeks to allow authority to certain supplimentary expenditures that were previously approved by the Finance Committee and I propose not to make a long speech.

MR.PRESIDENT: The question is that a Bill entitled a Bill for A Law to Allow and Confirm Certain Expenditure during the financial year 1990 be read a second time. The motion is open for debate.

If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

THE SUPPLEMENTARY APPROPRIATION (1991) BILL, 1993

CLERK: THE SUPPLEMENTARY APPROPRIATION (1991) BILL, 1993

FIRST READING

MR.PRESIDENT: The Bill entitled a Bill for a Law to Allow and Confirm Certain Expenditure during the Financial Year 1991 is deemed to have been read a first time and is set down for Second reading.

CLERK: THE SUPPLEMENTARY APPROPRIATION (1981) BILL, 1983

SECOND READING

HON.T.G.JEFFERSON: Mr.President, I move the Second Reading of a Bill entitled a Bill for a Law to allow and Confirm Certain Expenditure for the financial year 1981.

This is a similar bill to the 1980 bill, Mr.President, and it seeks to allow and confirm certain expenditure previously approved by Finance Committee.

MR. PRESIDENT: The motion is that a Bill entitled a Bill for a ..... to allow and Confirm Certain expenditures during the financial year 1981 be given a second reading. The motion is open for debate.

If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

THE SUCCESSION (AMENDMENT) BILL, 1982

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1982

FIRST READING

MR.PRESIDENT: A Bill entitled a Bill for a Law to Amend the Succession Law, 1978 is deemed to have been read a first time and is now down for Second Reading.

CLERK: THE SUCCESSION (AMENDMENT) BILL, 1982

SUSPENSION OF STANDING ORDER 40 (1) and (4)

HON.MICHAEL J. BRADLEY: Mr.President, Sir, in accordance with the provisions of Standing Order 44 I beg to move the suspension of Standing Order 40 (1) and (4) to enable the Bill to be read a second time, even though the requirement that copies of it had not been circulated Members seven days before it was necessary to read it, but in saying, this, Mr.President, Sir, I am sure that all the remarks that I made when proposing the suspension of Standing Orders earlier for another bill for the same reasons, will apply, and I am sure the sentiments of Members on the other side will equally be applicable to the motion to suspend Standing Orders here.

MR.PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 44, Standing Order 40 (1) and (4) shall be suspended in order to enable the second reading of a Bill entitled a Bill for a Law to Amend the Succession Law, 1978. Does any Honourable Member wish to speak to this motion?

I will put the question. Will those in favour please say aye, those against no, the ayes have it.

HON.MICHAEL J.BRADLEY: Mr.President, Sir, I shall be speaking on the Second Reading of this bill and I am sure Honourable Members will also wish to speak, it may be a convenient stage to adjourn before I make my second reading speech?

MR.PRESIDENT: I think perhaps that is so, because if this bill is going to occasion a longer debate it may be helpful to all Members to take the debate as a whole after lunch. So let us suspend proceedings until 2.15 or 2.30? What do Members prefer? 2.15? Until 2.15.

AT 12.40 P.M. THE HOUSE WAS SUSPENDED UNTIL 2.15 P.M.

HOUSE RESUMES AT 2:15 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Second Reading of a Bill entitled A Bill for a law to amend the Succession Law, 1975..

THE SUCCESSION (AMENDMENT) BILL, 1983

SECOND READING

HON. MICHAEL J. BRADLEY: Mr. President, I beg to move the Second Reading of a Bill shortly entitled The Succession (Amendment) Law, 1983.

Mr. President, Sir, the Law in relation to intestate succession, that is in relation to the disposition of property of the deceased in relation to which he has not made a will, is governed at the present time by section 29 of the Succession Law, 1975 which is number 14 of 1975 and Section 35 of the Succession Law, 1975, deals with the rights of illegitimate children.

We have before us, Mr. President, Sir, today a short bill which contains three clauses, which apart from the short title are two clauses, one proposing a change in Section 29 of the Succession Law and the other proposing a change in Section 35 of the Succession Law which are the two sections which I mentioned to this Honourable Assembly earlier.

At present the Law in relation to intestate succession is that if the intestate leaves the husband or wife with or without issue the surviving spouse takes the personal chattels absolutely and in addition the residuary estate to the tune of $1,000 and of the remainder of estate to 75% absolutely and the remaining 25% of the residual estate, if it be held on trust and that the intestate leaves no issue upon trust for the surviving spouse during his or her life or if the intestate leaves issue, one half to the surviving spouse and the remainder equally on trust between the children.

Clause 2, of the Bill before you, seeks to provide that if an intestate leaves a husband or wife and issue that the surviving spouse shall take all personal chattels and the first $10,000 of value or a sum equal to 10% of the net value of the estate whichever is greater, and, then that the remainder shall be held on the statutory trust for the issue of the intestate, but if there fail in the lifetime of the surviving spouse, in other words if the children die in relation to the lifetime of the surviving spouse, then on trust for the surviving spouse. Then, it also considers now that if an intestate leaves a spouse, but no issue, the residuary estate shall be held if there is a surviving parent or parents of the intestate, 25% in trust for that parent or parents and 75% for the surviving spouse absolutely, or, if an intestate leaves a spouse and no issue and no surviving parent or parents, then the remainder of the estate to the surviving spouse absolutely.

This first proposed change is thought to be a fit and proper one to make because it was considered that the provision wherein a person who dies intestate should only leave to the surviving spouse $1,000 and 1/4 of the estate absolutely was inadequate and that percentage should be increased to 50%. The other change, Mr. President, Sir, which is proposed by Clause 3 of this Bill is in relation to the rights of illegitimate children and under section 35 of the Succession Law it is provided that where the mother, and I emphasize the word "mother", of an illegitimate child dies intestate, the illegitimate child or its issue if dead are entitled to take an interest therein to which he or such issue would have been entitled if they were born legitimate. And also where an illegitimate child dies

HON. MICHAEL J. BRADLEY (CONTINUING): intestate in respect of his property the mother, if surviving, shall be entitled to any interest thereon which she would have been entitled if the child had been born legitimate and she the only surviving parent.

It is worthy of note, Mr. President, Sir, that these provisions relate only to the inter-relationship between an illegitimate child and his mother and provides for the child to inherit from the mother on intestacy and the mother to inherit from the child on intestacy on the same basis as legitimacy.

Clause 3 of the Bill before this Honourable Assembly seeks to propose an amendment to that section 26 by adding a further sub-section, and the effect of that sub-section is to provide the rights of inheritance of an illegitimate child from his father, and it provides that where a person has been adjudged to be the father of an illegitimate child by virtue of an affiliation order made under our present Law, the Affiliation Law, 1971, or any other Law relating to affiliation previously in force, then if the father of that so judged illegitimate child dies intestate then there is no distinction made between the rights of inheritance of that illegitimate child and the rights of inheritance of the legitimate children of that father who has died. It is thought fit and proper by Government that this amendment be proposed for consideration by this House because it is felt that where a child has been determined by a Court of Law to be the natural child of a father, that that child should not be placed in any less favourable position than the legitimate children of that father and that a person who just because by accident of birth was illegitimate at the time and his parents were not in wedlock that he should not be deprived or placed in a worse position as regard to his right of inheritance than somebody who was a legitimate child of wedlock or was legitimised subsequently.

These are two short amendments, Mr. President, Sir, to the Succession Law, but though they are short amendments they are amendments which will I am sure be considered carefully by the Members of this Honourable House because they relate to the devolution of property, to matters which basically affect the rights of inheritance of persons within the Cayman Islands and I feel that Honourable Members having given them due consideration will feel that it is a fit and proper time to make these amendments and support this Bill.

Mr. President, Sir, I beg to move the Second Reading.

MR. SPEAKER: The question is that a Bill entitled A Bill for a Law to Amend the Succession Law be given a Second Reading. The motion is now open for debate.

HON. BENSON O. EBANKS: Mr. President, the mover of the Bill described the proposed amendments as two short amendments. I agree that they are short, but they are important and far-reaching.

They introduce a concept not now existing in the Succession Law; that is where 50% of the estate of a deceased spouse is vested entirely or absolutely in the surviving spouse and I can think of many instances where such a proposal would cause a lot of hardship. It would be unfair, for example, if there was a marriage and the wife and offspring (and let we say there were several) of that marriage die and the husband remarries late in life with no offspring, maybe the marriage lasted for two years but within that time the husband died and the second

MR. ARNOLD O. LARSEN (CONSTITUENCY): wife automatically moves into 50% of the property of the deceased husband, that property would be then here to sell and having been sold the money could be used as she thinks fit, possibly to support a needy relative of hers but no relative to the offspring of the first marriage for which the deceased father had no responsibility. In my opinion in that case it would be causing an unfair intention on the children of the first marriage.

The other thing that I think should be borne clearly in mind when we are looking at these proposed amendments is that we are looking at the position of the estate and by this I mean that if a spouse dies in possession of a lot of cash in the bank and that cash is in a joint account between husband and wife, the wife automatically gets that cash. That is not taken into consideration with what we are dealing with here. So the life interest aspect of the Act, in my opinion, is not always the great unfair treatment that the proposed amendment here seems to accept it to be.

It is quite possible that with the cash that the surviving spouse would come into and income from the estate, not of the estate, because let us be clear about it there was an amendment in 1972 which gives life interest to 50% of the estate and not 10% of the estate. There are many cases in which that would be an adequate income for the spouse and there is some good reason why on the demise of the spouse the real property should then revert to the issue.

I have only quoted these instances, Mr. President, to show that in my opinion the amendment which we are proposing here is not a simple one. It is very far-reaching. It affects the whole course as I am concerned because in certain instances where the spouse cannot live adequately from the income from her life interest in the 50% of the estate, she can apply to the Court and with the Court's permission can dispose of part of that 50% and make use of the proceeds.

With regard to the second proposed amendment, Mr. President, I have no problem with the intent of that, but I would like to hear the learned Second Official Member on the question of the illegitimate child when he is winding up, because I realise that in the Succession Law (I think it is number 26 that he mentioned deals with this) that phrase is also used. I have examined the Affiliation Law and the terminology of "an illegitimate child" does not appear there at all. So are we using a common law definition of an illegitimate child or are we in error in using that term? I am not sure. I would need some legal advice on that.

Mr. President, I think this I have said enough to show that the amendment proposed is complex and far-reaching and I would suggest that if necessary I will move a motion at the appropriate time that this Bill be sent to a Select Committee of, if not all of the Members of the House, at least all of the Elected Members of the House with the Second Official Member as Chairman so that we can study all of the ramifications of this amendment. I can see where it will cause ill in certain instances, but as I have pointed out there are also many instances where it can work to the advantage of people and we have to make sure that what we are doing is in the benefit of the majority and not of the minority. With those words I end my comments on this Bill at this point.

MISS ANNIE BRIGGS (NOMINATED): Mr. President, Sir, while I heartily endorse some sections of this amendment, I cannot freely speak with the other part.

I am very happy to know that those "love" children as they are called will be considered. Many years ago, Sir, when I was

MISS LUCIE HUDSON HORDER (CONTINUING): first in the Assembly I voted to make that contribution that these unfortunate children be given some concession when their fathers die intestate. I was almost stoned, Sir. They told me that I was trying to discount marriages - you never heard as much! I had to but it go as usual.

I feel, Sir, that we owe to these unfortunate children some consideration and I heartedly endorse that they be given that. Of course I know according to law that whatever comes from their mother they can inherit it, but the father is a different story. And unfortunately, Sir, there is only one father in the Cayman Islands who has ever owned his love child or whatever you care to call it and I do not think it is right.

With regard to the wives, I feel, Sir, that after all the trouble they must have had with these men they should be entitled to some consideration and I have been commended recently with regard to a certain widow who in childless and her in-laws seem to want to take away everything. May that cannot be right, but I feel, Sir, that we should do something that is right and proper to protect not only the widows, but the children as well.

I will certainly go along with what has been proposed that we send this Bill to a Select Committee to deal with it. Of course it does not affect me; unfortunately I do not have any family, but I feel that justice should prevail among children who might lose out if we do not make such an amendment.

MR. CRADDOCK BODDEN: Mr. President, just a very few words on this proposed amendment. While I agree in principle and am prepared to support the amendment within reasoning, I too feel that it is far-reaching in certain instances and slipped in some instances

I could quote, Sir, of a man marrying three times and having three different families. What procedure can we find in this for such an instance? The last spouse, if it be a wife for her to claim such things as proposed in the amendment it would seem somewhat unmanageable and unfair to the other families who might have still some young people in it who must some care through financing, some protection, and if we accept this in principle, Sir, and if we go along with it I do not think it will be fair to all those concerned. I think we do need to give this some further study while dealing with it in some committee form.

So with those few remarks, Mr. President, as I said I am prepared to give reasonable consideration to the proposed amendments but I cannot support them in their entirety, as proposed

CAPT. CHARLES L. KIRKCONNELL: Mr. President, most of the speakers before me, Sir, have said they believe that it would be in the best interest of this House to take this Bill into a Select Committee and the more I have listened the more I agree that this is the proper place for us to put this Bill.

Government has rightly recognized the necessity to amend this Bill which as it stood in the last Bill was very unfair and I happen to know of a particular case right at the moment, I know the person who is suffering as a result of the law and she is not being treated fairly. I agree that something should be done, but to pass just a little bit further than just this one particular case. I am sure if time would permit we could research and find there are many, many other cases which deserve attention as much or more than this particular one.

I would like to see that all Members agree for us to take this Bill to a Select Committee where we can sit down and think this Bill over clearly and try to do justice as far forth as possible. All laws passed, Sir, are meant to benefit mankind and they are meant to benefit

CAPT. CHARLES L. KIRKCONNELL (COUNTY-WIDE): the majority of our people. I would like, Sir, and sincerely request that we take this Bill into a Select Committee.

Thank you, Sir.

HON. TRUMAN H. HODDER: Mr. President, there seems to be some confusion as what the Law that we are now seeking to amend means and means. The question that seems to have originated with the Chief Minister from West Bay is the fact that where property is held in a joint tenancy or joint proprietorship, it should be considered in the will. Well that, Mr. President, would change Law which is probably at this stage five hundred years old. It is trite Law that if you own property, the land, or if you own .....

MR. BENSON O. EBANKS: On a point of order.....

HON. TRUMAN H. HODDER: You sit down, I am not giving way. You sit.

MR. BENSON O. EBANKS: I will make my explanation when I think he has finished.

HON. TRUMAN H. HODDER: Well, you know I think my Learned friend probably needs, or my friend rather, a copy of the Standing Orders, Mr. President. If I do not give way he must sit.

It is law that is probably five hundred years old. It is written into our Registered Land Law. It was written into the Law of Property Act in England in 1925, before that it was written into the Conveyancing Act of 1881. It was written into our Conveyancing Law. So at this stage if anyone is seeking to change the Law relating to proprietorship or to matters such as joint accounts in banks or joint proprietorship in property, then I am totally against it because there must be an absolute confusion around the whole system of the Law if that is what is sought.

The next myth seems to be that the old Law as it stood in which it created a trust for the spouse and a statutory trust for the issue, is one in which the wife has a life interest in property without a power of sale. That, this again, Mr. President, is not the Law. The bulk of a person's estate is normally in land and what this Law seeks to amend is a very old Settled Land Law which has now been overcome by the Trust Law of 1967 and in fact the first section after the definition section in the Settled Land Law states this - "Section 2. A tenant for life may sell the settled land or any part thereof or any easement right or privilege of any kind over or in relation to the same.". That Law has been superseded in respect property not in the Cayman Islands by the 1967 Trust Law. So do not believe that because the have a trust created here giving the spouse a life interest, they cannot sell.

If you look at the remainder of that Law the following sub-paragraph (b) to (f), property is given absolutely in nearly every instance; it goes to the spouse absolutely. The statutory trust for the children are clearly set out in section 50 and I believe that they should remain because normally children are under the age of majority when they inherit.

The other point that has been raised is where there are several spouses. Now there is no way under this Law or the previous Law that more than one spouse can inherit because under our Law you can only have one spouse. So if you have married before your death then presumably one should have divorced them before remarrying and only one spouse can take. Therefore there cannot be confusion over subsequent spouses taking because this Law becomes

HON. HERMAN M. BOGGS (CONTINUING): operative when you die and you cannot have a marriage after your death. Therefore there can be no confusion there.

Now, Mr. President, like the joint account with the wife where you can have it where there is survivorship to the spouse where either can sign on the account, so you can make a will. If you want to leave for previous spouses you make a will, but this cannot become operative to a divorced and ex-spouse. So I do not see why there can be any confusion arrived that either. If you have any doubt in your mind if you are leaving a large estate, then you should be astute enough to prepare a will and leave the type of trust for your children you want. This is in instances of where you have a person dying intestate.

Now the children are children throughout and this extends children and in that respect there is a statutory trust which covers the children and as far as I can remember in that the courts take through all degrees according to their stock or equal shares or words to that effect. So that you would in regards the children, regardless of which spouse or which mother care them, they take equally and I think that that is fair.

I have nothing against a Select Committee, but to be frank I would have that now the Law has been already explained and that the frightening situation of removing the life interest which at this stage has become superseded by another Law which really we did not pass, at least not any of us within this House, and the whole question of altering the Law relating to joint tenancies and copartnership in common or joint tenant and tenants in common has been removed. Perhaps we can just deal with this and get it through, but it is something that needs amending, it needs updating and I would hope that the way that Question has been dealt with and it does change the Bible (as) put into effect the Law in that respect, but we could put on with it and pass the Law. It would be, I guess, Mr. President, only in rare instances, as I said earlier, that this Law would operate as regards a large estate because people normally by and large make a will and leave their estate in a form that it goes to tenants and to the extent that they wish to have it so.

Thank you.

MR. BENSON O. KRAINKS: Mr. President, under Standing Order 44(2), I wish to make a statement of clarification.

MR. PRESIDENT: You are entitled to offer an explanation if that is what it is under that Standing Order, so provided it is an explanation you may proceed.

MR. BENSON O. KRAINKS: Yes, Sir.

I was accused or whispered by the last speaker of suggesting change to the joint accounts in banks and the joint ownership of property and ownership in common and of having mentioned the case of divorced persons. I would just like to say that I did not mention anything about ownership of real property, that is real estate as we know it, changing the ownership in that and I never mentioned the question of joint or common ownership of that land. I mentioned joint accounts where the balance went to the survivor. I mentioned deceased spouses, not divorced persons and as to the classification of the Law I must say that I am more confused after listening to the Member than I was before.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

MR. PRESIDENT (CONTINUING): It may be helpful to the House if I say that I have just been looking at the procedure which we followed on a previous occasion when in the course of a second reading debate it became apparent that a number of Members felt it would be helpful to refer a particular Bill to a Select Committee. On that occasion when we were debating a Bill to amend the Misuse of Drugs Law, I find that, rightly or wrongly, I concluded that we should in the first instance complete the second reading and vote on it and pass the Bill and that thereafter, separately, there should be a substantive motion asking that the Bill be referred to a Select Committee instead of going through the normal committee stage. And I think perhaps it may be helpful if Members bear that in mind now because it would be possible to have a substantive motion about a Select Committee after we have voted on the second reading.

So I will now put the question that a Bill .....

HON. MICHAEL J BRADLEY: Mr. President, Sir, I waive my right of reply.

MR. PRESIDENT: I am so sorry, you have a right of reply.

HON. MICHAEL J BRADLEY: I waive it.

MR. PRESIDENT: You waive it. I did not mean to deprive you of it, I am sorry. You are sure now are happy to .... I will put the question then that a Bill for a Law to Amend the Succession Law, 1970 be read a second time.

Will those of those who say "aye". Those against "no". The "ayes" have it.

MR. DENNIS O. FRANKS: Mr. President, under Standing Order 49 (1), I move that the Bill under consideration, that is the Succession (Amendment) Bill, 1993, be referred to a Select Committee of all the Elected Members of this Assembly with the Second Official Member as Chairman.

HON. MICHAEL J BRADLEY: Mr. President, Sir, with deference not speaking on the merits of the motion, but I think if the Members agree to look at the appointment of Select Committee, if my memory is correct, it is for you, Sir, to decide on the Chairman.

MR. PRESIDENT: I know I sometimes do; I am not sure whether I already do.

HON. CHAIMAN M. RODDEN: Mr. President, it is only if you do not chose, then, from what I can remember the Committee may then chose its own.

MR. PRESIDENT: I think it is unusual for the motion appointing the Select Committee to nominate the Chairman.

MR. DENNIS O. FRANKS: I bow to your ruling, Sir, I was only enquiring a point there.

HON. MICHAEL J. BRADLEY: If I may, Sir, refer Honourable Members to Standing Order 59(2).

MR. PRESIDENT: Yes, by implication that supports that it would be..... so let us take it that your motion is that a

MR. PRESIDENT (CONTINUING): Select Committee be appointed and that you have nominated a view that the Second Official Member might be the Chairman.

MR. BENJAMIN O. BANKS: Perfectly right, Sir.

MR. PRESIDENT: Does any Honourable Member wish to speak to the motion that a Select Committee be appointed in accordance with the provisions of Standing Order 42(1), composed of all the Elected Members of the House and the Second Official Member to consider a Bill for a law to Amend the Succession Law, 1970.

HON. MICHAEL J. BROOKS: Mr. President, Sir, I should like to speak very briefly on this motion.

As the mover of the original Bill, I would say that the contents of this Bill and the ramifications and the consequences were carefully considered by the Government and by myself and by my Chambers, and that I consider, personally, that it is a fair and proper Bill and a Bill which would have great benefits which would more than in any way outweigh any minor disadvantages that it has. Having said that, Mr. President, Sir, as the mover of the Bill I would also appreciate that succession of property is something which affects Caymanians and peoples of these Isles very deeply and that if the Caymanians and the Members of this Legislative Assembly think and would be happier with having a Select Committee and time to think about it, I would not feel inclined to oppose such a motion.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If not I will put the question that in accordance with the provisions of Standing Order 42(1), a Select Committee comprising all the Elected Members of the House and the Second Official Member should be appointed to examine the provisions of a Bill for a Law to Amend the Succession Law, 1970.

Will those in favour please say "aye". Those against "no". The "ayes" have it.

THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993
(FIRST READING)

CLERK: THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993.

MR. ARNOLD O. BRANCH: Mr. President,.....

MR. PRESIDENT: I would like to say I am afraid I was a little slow off the mark, it was my fault. Before we tackle the next Bill it may be helpful if I say that following the suggestion made in the course of the debate on that last motion, I will nominate the Second Official Member to chair the Select Committee, whose appointment has just been agreed.

And now a Bill to Amend the Land Holding Companies Share Transfer Tax Law is deemed to have been read a first time and is set down for a Second Reading.

SECOND READING

CLERK: THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993.

HON. T. C. JEFFERSON: Mr. President, in order that this Bill may be read a second time, I move that in accordance with Standing Order 82 we suspend Standing Order 46(1) and (4).

SUSPENSION OF STANDING ORDER 46(1) AND (4)

MR. PRESIDENT: The motion for the House is that in accordance with the provisions of Standing Order 82, Standing Order 46(1) and (4) be suspended to enable the second reading of a Bill entitled A Bill for a Law to Amend the Land Holding Companies Share Transfer Tax Law.

Does any Honourable Member wish to speak?

I will put the question..... Sorry, I think, does the Member wish to speak?

MR. DENDON O. EDWARDS: Not really, Mr. President, I will make this comment at a later time.

MR. PRESIDENT: I will put the question. Will those in favour please say "aye". Those against "no". The "ayes" have it and Standing Order 46(1) and (4) be suspended and the second reading of the Bill may continue.

STANDING ORDER 46(1) AND (4) SUSPENDED.

SECOND READING

HON. T. C. JEFFERSON: Mr. President, I move the second reading of a Bill entitled A Bill for a Law to Amend the Land Holding Companies Share Transfer Tax Law, Law 14 of 1976.

The object of the Bill, Mr. President, is to amend the principal law to provide for cases where a company, in some cases a land holding company, has need to transfer a portion of the property or perhaps all of the property to the principal shareholders. This present law, Mr. President, is not similar to the Stamp Duty Law where in a case like this the transfer would take place for natural love and affection, or perhaps some portion of it could be waived, that is the stamp duty.

The second part of this Bill, Mr. President, deals with the subject also of natural love and affection, putting it in line with the whole Stamp Duty Law and simplifying who qualifies for natural love and affection when the transfer of property takes place in a particular company.

There have been many cases, Mr. President, coming to my office on matters such as these and so see that the practical solution to these daily problems which may arise in the financial industry is to amend the particular law so that it is fair and equitable, both to the individual land holder and to Government.

I commend the Bill to the House.

MR. PRESIDENT: The motion before the House is that A Bill for a Law to Amend the Land Holding Companies Share Transfer Tax Law be read a second time.

The motion is open for debate.

MR. DENDON O. EDWARDS: Mr. President, I support this Bill. I can only say that I am disappointed that there was not an accompanying amendment ..... You see, Mr. President, to be heard I have to get

MR. BENSON O. EDWARDS (CONTINUING): down like this and I like to look at people's faces when I am talking to them. I would like to get an extension for this microphone."

I was saying, Mr. President, that I support this Bill, but I can only say that I am very disappointed to see that there is not an accompanying amendment to what I would imagine would have to be for the Stamp Duty Law - when transfers of land desire to transfer that ownership to a company which is owned wholly and solely by the owners of the land, that they too would enjoy similar relief from stamp duty. It is my understanding that at the moment, if I owned property in my personal name and I wanted to transfer that property to a company in the name of Benson Edwards Ltd, that I would be subject to stamp duty, and if you can get land out of a land holding company without paying stamp duty, it would seem reasonable to me that you should be able to put it in. In fact I have long felt this way.

I realise it would be asking too much to have that Bill brought at this point, but I would ask Government to give consideration to it to bring it in this future. As the next sitting would not be too soon, Sir.

MR. SPEAKER: Does any other Honourable Member wish to speak?

HON. TRUMAN M. BODDEN: Mr. President, I agree with the Member from East End that what he says we should address, we should address in that respect, but it appears to me on the amendment that where there is a transfer to or from a land holding corporation, or it works to or from and the transfer is from or to a person or persons who is aggregate are the legal and beneficial owners of not less than forty-five. Now it would appear that this would cover instances unless it was under the forty-five percentum shares held.

The one part that maybe is not directly in here is from one land holding company to another land holding company and you may have to use the conduit of the individuals to pass it through. But by and large what is being sought is to ensure that where you are using a legal entity, the transferee, where the beneficial ownership remains the same, would not attract stamp duty. The land holding corporation is defined in the Law as a corporation other than a charitable corporation which is a legal or beneficial owner of any land holding without, it appears, any minimum size or value of the land. So that this should work, hopefully, in nearly all instances, parties with the transfer through the individual, the legal individual, where it is to move from one corporation to the other.

This, Mr. President, has been needed for a long time because it is inconvenient many times to keep land in your own name when, for instance, a bank may require mortgage in a company which is a perpetual legal entity. The other aspect, I fully support as well, which is immaterial for natural love and affection and for the first time that has been clearly defined in this Bill even though left somewhat general in the Stamp Duty Law in relation to matters generally.

So I ask Members to support it. I am reasonably certain that it covers just about every instance, but I do agree that this whole law is very complex and has been amended probably nearly as many times as the Traffic Law has.

Thank you.

MR. SPEAKER: Does any other Honourable Member wish to speak?

MR. PRESIDENT (CONTINUING): Does the mover of the motion wish to exercise his right of reply?

HON. T. C. JEFFERSON: Mr. President, I only rise to thank Members for the support of the Bill. The point made by the Member for West Bay will be taken into account in due course.

MR. PRESIDENT: I will put the question that A Bill for a Law to Amend the Land Holding Companies Share Transfer Tax Law, be read a second time.

Will those in favour please say "aye". Those against "no". The "ayes" have it.

THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1993

FIRST READING

CLERK: THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1993.

MR. PRESIDENT: A Bill entitled A Bill for a Law to Amend the Cayman Islands Education Law, 1988, be allowed to have been read a first time and to set down for a second reading.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move that Standing Order 46(1) and (4) be suspended to permit this Bill to be given a normal reading.

SUSPENSION OF STANDING ORDER 46(1) AND (4)

MR. PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 24, Standing Order 46(1) and (4) should be suspended in order to enable the second reading of a Bill for a Law to Amend the Cayman Islands Education Law, 1988.

Does any Honourable Member wish to speak? If nobody wishes to speak to the motion proposing the suspension of Standing Order, I will put the question. Will those in favour please say "aye". Those against "no". The "ayes" have it.

STANDING ORDER 46(1) AND (3) SUSPENDED.

SECOND READING

CLERK: THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1993.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move the second reading of a Bill entitled A Bill for a Law to Amend the Cayman Islands Education Law, 1988.

I will be very brief on this, Mr. President. When the amendment to this Law went in I made a mistake and I did not add this paragraph I am correcting that mistake and admitting it. It puts, Mr. President, on the heads of the Financial Secretary, the power to abate either wholly or in part the fees under this Law in instances in which he finds that it is just and equitable so to do. There have been instances where this was necessary and unfortunately this amendment was not in there and therefore it could not be dealt with. So I would ask Members to support the Bill as it is now that is necessary.

Thank you.

MR. PRINGLEMAN: The motion before the House is that a Bill for a Law to Amend the Brown Islands Education Law, 1967, be read a second time.

The motion is now open for debate.

MISS AMBIE MUNDAH MUNRO: Mr. President, Sir, I rise to support this amendment. It has always been my wish and desire that every child in these Islands, regardless of whom they are or where they come from, should be given the opportunity to get an education.

I, when this first came about, heartily disagreed with any Australian or non-Caymanian, call them what you will, not having the same concession for their children as we have for ours.

We have people here who are helping us build the country. They are working and I am very sure they are supporting Government they buy food and do all the other necessary things that a real true born Caymanian does and there should not be any discrimination. I feel that this is unjustified for and I am glad to know that in one instance when we supported something that the people do be, or whatever you want to call them, have changed their minds and do now what they really feel is right.

I support it one hundred percent.

MR. BRUCE C. EBANKS: Mr. President, I am sure that no one who heard my contribution when this amendment went in, I think it was last year or the year before, would expect me to support this. I am not sure whether the mover of the Bill said that there was a dwelling given or not, but the Honored would recall that at that time I pointed that the Bill should have had this to be done in it. In fact I opposed the introduction of the fees anyway and what would have been interesting to the House I am sure would have been for the Member to have told us how much money has actually been collected under this amendment that was put in some years ago, because I have a feeling that more has been spent on trying to collect the fees than what has been collected. Be that as it may I totally oppose it opposed it then; I knew it would not work and I am happy to see this amendment and I am happy to support it so that we can regularize what must be a very irregular situation within the Government.

MR. PRINGLEMAN: Does any other Honourable Member wish to speak? Does the mover of the motion wish to exercise his right of reply.

HON. TRUMAN M. BODDEN: Briefly, Mr. President, I would have thought in this day and age it was enlightening to hear someone admit that they made a mistake and that is why I laid the ground-work for the other Members to, because not any what they did, but to act on it.

I would just like to point out, Mr. President, in reply to the question of inequality that there is in existence other legislation such as the Freehold fees which make payment by non-residents 50% larger than those of Caymanians and other fees such as Immigration fee for instance, nationality, that do impose these and this is perhaps the difference between being a national of a country and not being a national. It is merely not the issue now and it has been dealt with earlier, but in instances where there is just cause, the Financial Secretary will be able to waive the fees.

I thank all the Members for supporting it.

MR. PRESIDENT: The motion before the house is that a Bill for a Law to Amend the Cayman Islands Education Law, 1976, be read a second time. Will those in favour please say "aye". Those against "no". The "ayes" have it.

I think this may be a convenient moment to suspend proceedings for about fifteen minutes and I so order.

AT 2:32 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. SPEAKER: The House will now go into Committee to study a Law to amend the Interpretation Law and other Bills committed to it.

COMMITTEE ON BILLS

MR. CHAIRMAN: The House is now in Committee.

THE INTERPRETATION (AMENDMENT) BILL, 1983

CLERK: CLAUSE 1 SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 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 TO SECTION 51 OF CHAPTER 70.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Does any Honourable Member wish to speak?

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

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

MR. CHAIRMAN: The question is that the title do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

THE FIREARMS (AMENDMENT)(NO.2) BILL, 1983

CLERK: CLAUSE 1 - SHORT TITLE

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 2 OF LAW 17 OF 1964.

MR. CHAIRMAN: If there is no 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 FIREARMS LAW (REVISED).

MR. CHAIRMAN: The question is that the title do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: (HAND). THE TITLE WAS PASSED.

THE POSTAL (AMENDMENT) BILL, 1988

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Does any Honourable Member wish to speak? I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - SUBSTITUTION OF SECTION 23 OF LAW 38 OF 1972.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Does any Honourable Member wish to speak? I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 - AMENDMENT OF SECTION 24.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. Does any Honourable Member wish to speak? I will put the question.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A LAW TO AMEND THE POSTAL LAW.

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. THE TITLE WAS PASSED.

THE SUPPLEMENTARY APPROPRIATION (1988) BILL, 1988

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - EXPENDITURE CONFIRMED.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: SCHEDULE.

MR. CHAIRMAN: The question is that the Schedule do stand part of the Bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. SCHEDULE PASSED.

CLERK: A BILL TO ALLOW AND CONFIRM CERTAIN EXPENDITURE DURING THE FINANCIAL YEAR 1980.

MR. CHAIRMAN: The question is that the title do 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 SUPPLEMENTARY APPROPRIATION (1980) BILL, 1981

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do 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 - EXPENDITURE CONFIRMED.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: SCHEDULE.

MR. CHAIRMAN: The question is that the Schedule do stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. SCHEDULE PASSED.

CLERK: A BILL TO ALLOW AND CONFIRM CERTAIN EXPENDITURE DURING THE FINANCIAL YEAR 1981.

MR. CHAIRMAN: The question is that the title do 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 LAND BUILDING COMPANIES SHARE STAMPED TAX (AMENDMENT) BILL, 1981

CLERK: CLAUSE 1 - SHORT TITLE.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2 - AMENDMENT OF SECTION 2 OF LAW 14 OF 1970.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MR. BENSON O. EVANS: Mr. Chairman, in reference to the point that I made in the second reading on this Bill, I was in error in thinking that the Land Holding Companies Shares (amended) Law was in the original form. As I remember the Law, a company had to have a certain percentage of its assets in land before it was designated a land holding company. But it occurs to me now that that Law, as I remember it, was in fact revised and replaced in 1976, Law 14 of 1976, where any company owning land now is regarded as a land holding company. So it appears that the amendment before us really meets the suggestion which I was making.

Although that was done in my time in the House, it was in 1976 actually, it almost as completely that it had been done. I suppose that was because of certain activities that were taking place frequently at that time which are termed as now, but I think this Law meets the point that I was making so I think the Financial Secretary need not have to worry about looking at another amendment.

HON. BRIAN H. ROBIN: Mr. Chairman, if I may have started a second round. We have two admissions of two errors in the afternoon.

MR. CHAIRMAN: I think we had better proceed fairly rapidly otherwise we may find ourselves all falling into the most terrible errors.

MR. BENSON O. EVANS: Expect, Mr. Chairman, that one was an error of omission and the other was an error of commission.

MR. CHAIRMAN: Well I am not going to distinguish mostly between errors.

We have on Clause 2 of the Bill and if no Honourable Member wishes to speak to the Clause as such I will put the question.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 - AMENDMENT TO SECTION 4 OF THE PRINCIPAL LAW.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question.

MR. BENSON O.EVANS: Yes, Mr. Chairman, I know that attention was drawn to section 4 in the second reading, but I am wondering if Members are satisfied with the very narrow limitations of sub section (e). What is where property could be transferred for natural love and affection to be restricted between parents and children or between spouses. What about brothers and sisters?

I really think that it is cutting it a bit fine. I would have liked to have seen it at least extended to brothers and / or brother and sister.

MR. CHAIRMAN: Does any other Honourable Member wish to speak?

I noted your comment, but you were not in fact proposing a specific amendment. As I understood you were pointing out an observation so there is not an amendment .....

MR. DENSON O. FRANKS: Yes, Sir, and if there is no support for the observation I think that there would be any support for the motion, so I will not make the motion.

HON. THOMAS M. RODDEN: Mr. Chairman, since we seem to be getting on the right track, I will actually support the Member on that. I think we should add brothers and sisters to it.

Subject to the mover considering it I should really have remedied him first.

HON. T. C. JEFFERSON: Mr. Chairman, if it be the wish of Members that we include brothers and sisters, I have no objection.

MR. CHAIRMAN: I wonder whether someone would like to propose a specific amendment. Probably the Second Official Member might be able to help us.

HON. MICHAEL J. BRADLEY: I was going to say, Mr. Chairman, Sir, that despite all the goodwill that seems to be permeating the Assembly this afternoon, I would be grateful if in the future at the second reading stage Members could indicate things they are thinking about for committee stage because this has not occurred to before.

Could I have an indication from Honourable Members when they are thinking of enlarging this, are they referring to full brothers and sisters or do they wish to include half brothers and sisters, step-brothers and sisters?

MR. DENSON O. FRANKS: Yes, my view is full brothers and sisters or I would even say half brothers and sisters, but I do not think we need to go to step-brothers and sisters. I consider we have to draw a line somewhere.

HON. T. C. JEFFERSON: Mr. Chairman, before we put the question, I believe that in most instances dealing with stamp duty on a daily basis we find that there are very few cases where brothers give land to brothers. Generally there is some monetary consideration on which stamp duty is chargeable.

MR. DENSON O. FRANKS: But this would not be mandatory, Sir, as I understand it. This would only be if you were satisfied that it was a genuine case.

HON. T. C. JEFFERSON: Mr. Chairman, if the amendment is worded properly that the Financial Secretary is satisfied that in a particular transfer, I would have no objection.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, as I understand it, it is proposed by the Honourable Members that it be Clause 2 which is section 4 of the principal Law which be amended, and section 4 of the principal Law is the section to which we are adding a new small paragraph (e) and this does come within the discretion of the Financial Secretary. It says the provisions of section 3, which is the one making requirements for returns and the payment of the stamp duty, do not apply to transfers effected as a result of

HON. MICHAEL J. BRADLEY (CONTINUING): an order of the court, distribution of property as personal representatives, distribution of the estate of a bankrupt, transfers between trustees or nominees. And the one that we are going to put in now is transfers for natural love and affection between parents and children or between spouses and when this Bill was being drafted there was a discussion between the Financial Secretary and myself on this and his feeling was that natural love and affection was supposed to be between brothers and sisters, but that he looked at that more closely than between parents and children or between spouses.

If Members make this amendment, the Financial Secretary will have no discretion. All transfers for natural love and affection between brothers and sisters will be exempt.

MR. CHAIRMAN: I suppose the problem is to determine

.....

MR. NELSON O. SHANKS: Could you not do it by adding "or" between brothers and sisters where it can be established to the satisfaction of the Financial Secretary that the transfer is in fact for natural love and affection?

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, yes it could be done, if it was to be done that way I think it could be more felicitously done if it were done by the addition of a further small paragraph (f), rather than continue it with the concept which is here.

MR. CHAIRMAN: I am wondering whether, since we must be fairly near the end of the day's proceedings anyway and - there is due to be a Commonwealth Parliamentary Association Annual Meeting at four thirty, it might not be advantageous in terms of giving an opportunity for something to be slightly more carefully drafted than is possible during an exchange in the House to adjourn now until tomorrow morning and take off the committee stage proceedings on this particular Bill at this particular point. Would that be .....

HON. MICHAEL J. BRADLEY: If the honourable Members who are speaking this could perhaps have a brief word with us to indicate more fully their .....

MR. NELSON O. SHANKS: Yes, and Mr. Chairman, I would like to apologise for not having mentioned this in the second reading, but this is one of the Bills that we got very late, Sir, and in fact it almost slipped me even now.

MR. CHAIRMAN: Well I think perhaps that it may be best then if I resume the House now.

HOUSE RESUMED

MR. SPEAKER: Please be seated.

We have concluded proceedings in committee on Bills entitled, A Bill for a Law to Amend the Interpretation Law, A Bill for a Law to Amend the Pensions Law (Revised), A Bill for a Law to Amend the Postal Law, A Bill for a Law to Allow and Confirm Certain Expenditures during the Financial Year 1986 and A Bill for a Law to Allow and Confirm Certain Expenditure during the Financial Year 1987. The committee is still studying A Bill for a Law to Amend the Land

MR. SPEAKER (CONTINUING): Robina Commonwealth Grants Commission Act and has one further Bill yet to study. But I will postpone hearing on these Bills until tomorrow's proceedings so that tomorrow after question time in order to get through the committee stage of the Bill we have half completed and of the final Bill.

I would ask all Members who are to stay for the meeting of the Commonwealth Parliamentary Association which is scheduled to take place at four thirty and which I suppose take place, literally, immediately after we have broken off. I am sure that it should not last more than a few minutes.

ADJOURNMENT

HON. D. M. WILSON: Mr. President, I move the adjournment of this House until 10:00 o'clock tomorrow morning, Sir.

MR. PRESIDENT: The motion before the House is that the House do now adjourn until 10:00 o'clock tomorrow morning.

QUESTION PUT: AGREED, AT 4:58 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., TUESDAY THE 21ST OF JUNE, 1983.

SECOND MEETING OF THE 1968 SESSION
OF THE LEGISLATIVE ASSEMBLY

(SECOND DAY - THURSDAY, 27ST JUNE, 1968)

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, C. PETER LEDIU, LVO. OTO

GOVERNMENT MEMBERS

HON. LEWIS H. HOSTEN, JAN, OVO, JP.	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND NATIONAL AFFAIRS
HON. MICHAEL J. HAMILTON, LLM.	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. THOMAS C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN McLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. INUMAN M. BODDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON. JAMES M. HONNOR	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. D. DALMAIN KEARNEY	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BENSON O. EBANKS, JNR,	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 A. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MABRY C. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, OBE, JP.	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE.

ORDERS OF THE DAY

SPECIAL DAY

TUESDAY, 21ST JUNE, 1983

1. REPORTS -

(i) HOUSE COMMITTEE REPORT - MEETING HELD ON 7TH JUNE, 1983 BY CHAIRMAN - MR. CHADDOCK FRANKS, J.P., THE MEMBER FOR NORTH SIDE

(ii) BUSINESS COMMITTEE REPORT - MEETING HELD ON 16TH JUNE 1983 BY DEPUTY CHAIRMAN - MR. D. KALMAIN FRANKS, SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY .

2. QUESTIONS -

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE SECOND MINISTRY MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.13: Will the Minister make a statement on the progress of the Sporting complex?

NO.14: Will the Member say when the up-grading of playing fields in the districts will be completed?

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.15: How many houses have been purchased by Government in the past year, the price paid for each and from whom purchased?

NO.16: Will the Member state if negotiations were entered into for the purchase of a house in the vicinity of the Hospital after inspection for an agreed price of $40,000 and whether transactions were completed?

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER FOR FINANCE AND DEVELOPMENT

NO.17: Are there any outstanding amounts due for travel tax and if so, what are the amounts and payable by whom?

3. GOVERNMENT BUSINESS: -

(a) BILLS -

	COMMITTEE THEREON
(a) THE LAND HOLDING COMPANIES SHARE TRANSFER TAX(AMENDMENT) BILL, 1983;	
(b) THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1983	DO.

FIRSTING THEREON

(i) THE INTERPRETATION (AMENDMENT) BILL, 1983
(ii) THE FIREARMS (AMENDMENT) BILL, 1983
(iii) THE SOCIAL (AMENDMENT) BILL, 1983
(iv) THE SUPPLEMENTARY APPROPRIATION (1980) BILL, 1983
(v) THE SUPPLEMENTARY APPROPRIATION (1981) BILL, 1983
(vi) THE LAND HOLDING COMPANIES SHARE TRANSFER TAX(AMENDMENT) BILL, 1983
(vii) THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1983

(b) GOVERNMENT MOTIONS -

NO.2 SELECT COMMITTEE TO CONSIDER DISPLAY AND PUBLICATION OF BLASPHEMOUS, OBSCENE AND INDECENT MATTERS AT CINEMAS

TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.3 SELECT COMMITTEE TO CONSIDER AMENDMENTS TO ELECTION LAW

TO BE MOVED BY THE HONOURABLE FIRST UNOFFICIAL MEMBER OF EXECUTIVE COUNCIL, RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

4. PRIVATE MEMBER'S MOTION:

NO.1: DRUGS ORDER - TO BE MOVED BY THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN

TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS

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TUESDAY 21ST JUNE, 1983

10:00 A.M.

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

HOUSE COMMITTEE REPORT - LAID ON THE TABLE

MR. CRADDOCK FRANKS: Mr. President, I would like to lay on the Table the Report of a committee held on the 7th June, 1983. The Report being in the hands of Members, they are aware of the findings of the committee that held the meeting at that date.

MR. PRESIDENT: Thank you.
So ordered.

BUSINESS COMMITTEE REPORT - LAID ON THE TABLE

MR. DALMAIN D. EBANKS: Mr. President, I beg that the Report of the Business Committee be laid on the Table.

MR. PRESIDENT: So ordered.
Questions. The Second Elected Member for West Bay.

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.13. Will the Member make a statement on the progress of the Sporting Complex?

ANSWER:

The project is progressing in that -

(a) A director is in the process of being recruited to spearhead the project.
(b) Proposals have been received from interested developers and are being reviewed as to their suitability and performance records;
(c) Mr. Peter Beatty, CBE., chairman of the Scottish Sports Council and also the Commonwealth Games Federation visited the Island. Discussions were held with him and as a result, additional guidelines for several areas of the project have been received.
(d) Through the auspices of the Canadian High Commission, catalogues and other relevant data on wide range of equipment, etc., have been received.

SUPPLEMENTARIES:

MR. NORMAN W. SUDDEN: A supplementary, Mr. President. Could the Member state approximately how much has been spent on the project to date?

HON. TRUMAN M. BODDEN: I cannot give those figures, Sir, but I would happily submit them once I had an accounting from Treasury on it.

MR. DALMAIN D. EBANKS: A supplementary, Mr. President. Could the Member give any idea of what this project will cost?

HON. TRUMAN M. BODDEN: Mr. President, $200,000.00 has been appropriated for this year which will begin it. The completed tracks and field complex together with 2,000 bleachers, and the necessary facilities, such as change rooms, is estimated to cost approximately three quarter of a million dollars; that also includes the artificial turf.

MR. PRESIDENT: If there are no further supplementaries I will invite the Elected Member for West Bay to ask question No. 14.

THE SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DIVISION OF WEST BAY TO ASK THE HONOURABLE SECOND ELECTED MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.14. Will the Member say when the up-grading of playing fields in the districts will be completed?

ANSWER:

A time frame for the completion of work on district fields is not possible because the entire project pivots on the availability of personnel and equipment.

Specifically, George Town field has -
(a) had a new layer of topsoil applied;
(b) been reseeded;
(c) had the fencing remounted and improved to provide additional parking and crowd control;
(d) a draft agreement developed for its operation and maintenance through the Cayman Islands Football Association;
(e) new bandstands under construction.

West Bay field is scheduled next for a similar improvement and the other districts will be attended to on a priority basis. Construction of bandstands in all districts is progressing.

SUPPLEMENTARIES:

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Will the Member state if any arrangements are being made for the establishment of playing fields in Cayman Brac?

HON. TRUMAN M. BODDEN: Mr. President, there has been up-grading on the fields, and especially at the High School, where bandstand were added sometime back. I will be visiting there in another week's time and I would be very happy to look at any further enhancing that either of the two Members may wish to have to the play fields there.

MR. BENSON O. EBANKS: A supplementary, Mr. President. I regard these two questions as inter-related, so my supplementary might cross the line.

MR. PRESIDENT: I hope it would not cross the line of supplementary or not arising out of the answer given to the question. However, ask it, and we will see.

MR. BENSON O. EBANKS: In relation the the district fields, an undertaking was given to the House when money was appropriated, that in districts where additional land was considered necessary it would be purchased. In the case in West Bay the need for additional land has been established as I understand by the Committee. Would the Member give assurance that the work on the complex and/or the playing fields will not preclude or prevent the purchase of the additional land in the districts, and specifically, in West Bay?

HON. TRUMAN M. BODDEN: I give that assurance, Mr. President, subject always to the cost of the future property that is to be purchased.

MR. DALMAIN L. EBANKS: A supplementary, Mr. President. Has the Member ever given thought of forming a committee for the up-grading of these playing fields and the maintenance of them?

HON. TRUMAN M. BODDEN: Mr. President, I formed a committee sometime ago, which consisted of approximately 32 members. At one of the meetings only two members showed up and I appointed one member the Chairman of a smaller committee which met and which produced a report. I would happily form another committee provided I can get assurances that people are sufficiently interested to come to it and to contribute, because I believe in joint efforts, but I have found, not to the extent that President Roosevelt once said, "that the only workable committee is a committee of three of which one is ill and one does not attend". I am a little bit loath at this stage, having received a full report from a committee which was really never well attended, even under the chairmanship of that single person, to appoint anything further now until the sports complex further advances - but I give the assurance that if the committee becomes necessary again, I will happily appoint it. Thank you.

MR. CHARLTON AIKMAN: Mr. President, if I may ask the Member a supplementary. If in any one district that land that they may be interested for a playing field, and the sum might be that minor what would normally be the land going price, to obtain the land would the law be carried out in obtaining it?

HON. TRUMAN M. BODDEN: Mr. President, if land is needed for a public purpose and we cannot acquire it within a reasonable margin of the market value, then by all means we will have to use a compulsory acquisition law. I should point out that I am extremely reluctant to have to use it, and any happily this Government I do not think, except in relation to one case, has ever had to use it, but I will diligently pursue getting the property through private treaty first, if not, if it becomes a necessity, then I guess we will have to use the law to acquire.

MR. CHARLTON AIKMAN: Mr. President, I am not indicating that that should be the route, I would hate myself to know that Government would have to resort to that.

MR. PRESIDENT: If there is no further supplementary I will invite the Third Elected Member for George Town to ask question No.15.

THE THIRD ELECTED MEMBER FOR THE NORTH SIDE ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO.15. How many houses have been purchased by Government in the past year, the price paid for each and from whom purchased?

ANSWER:

In the past year, Government purchased one house. The price paid was $18,500.00 and it was purchased from Messrs T.C. Jefferson, J.L. Ebanks and John Jefferson.

SUPPLEMENTARIES:

CAPT. CHARLES L. KIRKCONNELL: A supplementary, Mr. President. Will the Member state whether this is a two bedroom or a three bedroom house?

HON. JAMES M. DODDEN: Mr. President, to my knowledge, I understand it has five bedrooms.

MR. PRESIDENT: If there is no further supplementary ...

MR. CRADDOCK EBANKS: One supplementary, Mr. President. Could the Member say what is the acreage of the property that the house stands on?

HON. JAMES M. DODDEN: I have no knowledge of the acreage involved, but knowing the area as well as I do, I think it would probably be about 12500 square feet.

MR. PRESIDENT: If there is no further supplementary, I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 16 Will the Member state if negotiations were entered into for the purchase of a house in the vicinity of the hospital after inspection for an agreed price of $40,000 and whether transactions were completed?

ANSWER:

Government is not aware of any offer for sale being made for a house in the vicinity of the hospital for $40,000.

SUPPLEMENTARY:

CAPT. D.L. KIRKCONNELL: A supplementary, Mr. President. Will the Member state if any negotiations are going on for any house in the hospital area?

HON. JAMES M. DODDEN: If negotiations are going on for any house in the hospital area or any other area of Grand Cayman at this time it is without the knowledge of the Member responsible for the portfolio.

MR. PRESIDENT: If there is no further supplementary, I will ask the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 17 Are there any outstanding amounts due for travel tax and if so, what are the amounts and payable by whom?

ANSWER:

No.

SUPPLEMENTARY:

MR. BENSON O. EBANKS: A supplementary, Mr. President. The question as it appears on the Order Paper says, 'due for travel tax', the question as printed on the answer sheet says, 'due to travel tax'. I am wondering if that difference in wording prompted the answer or whether there might in fact be some money owing for travel tax?

HON. T.C. JEFFERSON: Mr. President, to elaborate, there is no outstanding travel tax at this moment. The system of travel tax for airline purposes, is that the Treasury issues tickets books to various airlines to collect travel tax for the Treasury Department. On the 1st of June of the year, Mr. President, I instituted a system where an officer from the Treasury attends the Airports and collects the travel tax on a daily basis, therefore there is no outstanding travel tax at this moment.

MR. PRESIDENT: Is so far as may be from.
If there is no further supplementary, that is the end of questions. The House was yesterday in committee, which we will resume.

MR. CHAIRMAN: HOUSE IN COMMITTEE
The House is in committee. Bills. The Land Holding Companies Share Transfer Tax (amendment) Bill, 1983. We had already agreed to Clauses 1 and 2 and had begun to discuss Clause 3 when we adjourned proceedings. I believe that the Member concerned now has an amendment to suggest and may wish to seek leave for it.

THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1983 - CONTINUATION IN COMMITTEE ON CLAUSE 3 OF THE BILL

HON. THOMAS C. JEFFERSON: Mr. Chairman, in accordance with the provisions of Standing Orders 52 (1) and (2), and with the leave of the Chair under the said Standing Order 52(2) I wish to move the following amendment.

MR. PRESIDENT: Leave granted.

HON. THOMAS C. JEFFERSON: I, I move the following amendment to The Land Holding Companies Share Transfer Tax (Amendment) Law, 1983, that the Land Holding Companies Share Transfer Tax (Amendment) Law, 1983 be amended in paragraph (e) of Clause 3 thereof:-

(i) by the deletion of the words "new paragraph" and the substitution therefor of the words "two new paragraphs";

(ii) the deletion of the period, quotation marks and second period at the end thereof of "; and"; and

(iii) the addition, immediately thereafter, of the following -

"(f) transfers for natural love and affection between brothers and sisters born of the same parents where such transfers have been certified by the Financial Secretary to be transfers in respect of which he is satisfied that the provisions of this section may properly apply.".

MR. CHAIRMAN: The question is that Clause 3 of the Bill should be amended in the various ways just outlined by the Third Official Member. Does any Member wish to speak?

QUESTION PROPOSED: DEBATE ENSUED.

CAPT. G.L. KIRKCONNELL: Mr. Chairman, I would like to see this a bit broader than it is at that moment, the Bill confines it to children born of the same parents. I would like to suggest that we delete the words "born of the same parents" so that when it is read it will include brothers, sisters, half-brothers and half-sisters.

MR. CHAIRMAN: My understanding was that the general consensus yesterday was, that although that was one possibility suggested, nevertheless, the preference would be to limit it as now proposed in the amendment introduced by the Third Official Member. If you want formally to propose an amendment to the amendment you are entitled to do so, and your amendment to the amendment can be debated.

CAPT. C.I. KIRKCONNELL: Mr. Chairman, I propose to amend the new section in the new paragraph (f) by deleting the words "born of the same parents".

HON. MICHAEL J. BRADLEY: Mr. Chairman, just purely on a drafting basis I think the same effect could be maintained if the word "parents" was changed from plural to singular, "born of the same parent", because that is the link, it is either children who have a common father or a common mother, if that would fit the proposal of the amendment to the amendment.

CAPT. C.I. KIRKCONNELL: Mr. Chairman, if that has the same effect that is all I am interested in.

HON. MICHAEL J. BRADLEY: Perhaps, Sir, to make it absolutely clear, if it read "between children born of the same parents". This of course, Sir, and again I am thinking further, would also include natural love and affection transfers between a legitimate and an illegitimate child born of the same parent. Would Members wish it to be extended to cover that also?

MR. ELWOOD O. EBANKS: Mr. Chairman, that suggestion would seem to be in keeping with what is being proposed under the Succession Law now before the House, so I would not object to it.

MR. CHAIRMAN: I suppose my own concern is to know whether the Second Official Member feels he can be satisfied that we are going to achieve whatever object it is Members eventually decide they would like achieved, if we amend the draft in the way we are now doing or whether further thought really needs to be given to it.

As I understand it, the present proposed amendment to the amendment is probably going to be, that the words "brothers and sisters born of the same parents" be deleted and that the words "children born of the same parent" be substituted. The expectation being then, "that brothers and sisters and half-brothers and half-sisters - I am not sure about step-brothers and step-sisters - and children who were born out of wedlock, if brothers or sisters or half-brothers or half-sisters should all be potential beneficiaries of this section." Is that correct, and does it in fact include step-sisters and step-brothers now as worded in this way? Presumably not, because step-child is not born of the same parent.

HON. MICHAEL J. BRADLEY: I had not intended, Mr. Chairman, Sir, step-children because there is no common blood link.

MR. CHAIRMAN: I am just trying to clarify it in my own mind so that it can be clear in the minds of Members, and so Members will know what they are doing and are satisfied that the wording that we are discussing will achieve the objectives that they want achieved. As I understand it at the moment it would cover half-brothers and half-sisters whether illegitimate as well as full brothers and sisters, but it would not cover step-brothers and step-sisters.

Now if that is what Members want, we can use the wording proposed, debate it and then take a vote on it whether or not the amendment to the amendment should be agreed.

HON. MICHAEL A. MANNEY: Mr. Chairman, Sir, if I may just make a small comment, that the general principal in law is that there is presumed to be natural love and affection between people who have a blood link, between parents and children, between brothers and sisters; between husband and wife is the only exception to the presumption of the blood link, and that is the link of marriage. Step-children do

HON. MICHAEL J. BRADLEY (CONTINUING): not have a blood link, and normally in other jurisdictions step-children do not normally come into natural love and affection exemptions. But if the House wishes step-children .....

MR. BENSON O. EBANKS: Mr. Chairman, I proposed this or at least I ask that this amendment be made yesterday afternoon, and the Second Official Member did ask at that time, sort of, generally what the views were, and I made the point then that I think if we took in to brothers and half-brothers that we were going far enough that we had to have a cut off point, and that I did not think that step-brothers or step-sisters should be included, and there seemed to have been general agreement on that. So I think that the House accepts that we stop at blood relationship and leave out the step-children, brothers or sisters.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I agree with that.

MR. CHAIRMAN: Thank you. I just want to clarify everybody's mind as we did know what the wording we were using meant. The one thing that nobody has suggested, and perhaps nobody wanted is grandchildren and grandparents, which is very common elsewhere, but if it has not been suggested probably it is not for me to think of anything.

In that case it has been moved that the amendment should be amended by the deletion from paragraph (f) of the words "brothers and sisters born of the same parents" and the substitution for those words of the words "children born of the same parent".

Does any Honourable Member wish to speak further to that amendment? In that case I will put the question. Will those in favour of amending the amendment in that way - I am not sure I was ever asked to give leave for an amendment to the amendment to be introduced, but we will take it I have given leave.

QUESTION PUT: AGREED.

MR. CHAIRMAN: The question now is that the amendment moved by the Third Official Member as now finally amended shall stand part of the Bill. Does any Honourable Member wish to speak to that?

HON. JOHN B. McLEAN: Mr. Chairman, the point that you made awhile ago about grandchildren, I think it is a very valid one especially here in these Islands. I speak for myself, I know I have had it done by my grandmother before, and I think that with the help of the Second Official Member perhaps we should include something.

MR. CHAIRMAN: I am bound to say, in my view it is common elsewhere that grandparents do make gifts to grandchildren, and if we are trying to cover this .....

HON. THOMAS C. JACKSON: Mr. Chairman, as I understand this, land owned by grandparents is generally registered in their name, they only rarely, if ever, use a company. The transfer of land from a grandparent to a grandchild would normally fall under the Stamp Duty Law, which does not specify who qualifies under "natural love and affection" and generally in cases where the Financial Secretary is satisfied the transfer is allowed under this Section of the Law.

MR. BENSON O. EBANKS: Mr. Chairman, that was the point I was going to make. We have to remember here that we are really dealing with the Land Holdings Company Transfer Tax and not transfer tax on land generally.

MR. NELSON BRANAN (CONTINUING): It is only land that is vested in a company we are opposed to individuals and I rather tend to agree with the observation just made by the Financial Secretary and I believe if we play around with the Land Holdings Company law too much we are really going to have it very, very limited and may be get it beyond a useful stage.

MR. PRESIDENT: It is really not for me to intervene in the debate, but I wonder whether it might not increasingly happen that even if older people now do not have land holding companies they may come to do so in years to come and want to give it to their grandchildren? I am not altogether sure without the main law of which the effect of the bit that we are debating, touching for natural love and affection between parents and children, between spouses, just what effect does that have?

HON. MICHAEL BRADLEY: Speaking from memory, Sir, the law as amended in 1976 I think it was, provided that normally you had to make a return and give a certificate and pay a stamp duty of 7½% under section 4 of the law; this section 4 to which we are adding the new paragraph provides that the provisions of section 4 shall not apply to any of the following categories - so basically the law which requires returns and certificates and the payment of 7½% tax shall not apply to these categories, and it was because it was an absolute exemption from the application of section 4 that in relation to these we had to add any further provision about the Financial Secretary having to be satisfied.

MR. PRESIDENT: From what sort of returns does section 4 now give exemptions, is it returns of land being transferred from a company to anybody else?

HON. MICHAEL BRADLEY: Transfers of shares in the company.

MR. PRESIDENT: Transfer of shares in the company.

HON. MICHAEL BRADLEY: A company which holds land

MR. PRESIDENT: Yes. So I mean if a grandparent owned shares in a company that owned land and wanted to give those shares to a grandchild instead of to a child, unless we had an exemption of the kind contemplated tax would be payable.

It is not for me to guide the House in the matter, so I should not have raised it, but I think that it is something that is worth considering.

HON JOSH H. HYDEAN: Mr. Chairman, I think we have come this far into the amendment that with the able help of the Second Official Member this should not be hard for us to include grandchildren, I still realise that it is a valid point and it should be included.

HON. MICHAEL BAGNETT: Mr. Chairman, Sir, if it is the wish of the Committee that such a change be incorporated then I would propose, since we have already passed a first amendment to the amendment, leave of the House to make a further proposal for amendment.

MR. PRESIDENT: I am not altogether clear whether most Members would like this sort of an amendment, but if I give you leave to propose one we can test the feeling of the Committee.

HON. MICHAEL BRADLEY: It can always be defeated.

MR. PRESIDENT: It can always be defeated.

HON. MICHAEL BRADLEY: I would propose that the amendment before this Committee be further amended by the insertion immediately following the word "parent" where such occurs in line 3 of paragraph of the following words: "or between grandparents and grandchildren". This, Mr. Chairman, Sir, would mean that paragraph(f) as I understand it would now read "transfers for natural love and affection between children born of the same parent or between grandparents and grandchildren where such transfers have been certified, etc.".

MR. PRESIDENT: The question now before the committee is that the amendment proposed by the Third Official Member should itself be further amended by the insertion after the word "parent" of the words "or between grandparents and grandchildren".

HON. MICHAEL BRADLEY: This envisages grandchildren also giving it to grandparents, if you want it just down the line it would need to be amended.

MR. PRESIDENT Does any Honourable Member wish to speak to that amendment? If not I will put the question, will those in favour of that amendment please say aye, those against no. the ayes have it.

We now return to the substantive amendment to clause 2 of the bill moved by the Third Official Member as itself twice amended. Amended first to say "children born of the same parent" in place of the words "brothers and sisters born of the same parents" and amended secondly to say after the word "parent" "or between grandparents and grandchildren". Does any Member wish to speak further to the amendments? If not I will put the question which is that clause 2 be amended as proposed by the Third Official Member subject to the amendments to his amendment already agreed. Will those in favour please say aye, those against no, the ayes have it.

We now come, I think I am right, to the question that clause 2 as amended, and that means as amended in all the ways so far agreed, should stand part of the bill. Does anybody wish to speak to that question? If not I will put the question, will those in favour please say aye, those against no, the ayes have it.

CLERK: A LAW TO AMEND THE LAND HOLDING COMPANIES STAMP TRANSFER TAX LAW.

MR. PRESIDENT: The question is that the title stand part of the bill. Does any Honourable Member of the Committee wish to speak to that question? If not, I will put it will those in favour please say aye, those against no, the ayes have it.

A BILL FOR A LAW TO AMEND THE CAYMAN ISLANDS EDUCATION LAW

CLERK: Clause 1 - Short title.

MR. PRESIDENT: The question is that Clause 1 stand part of the Bill. Unless any Honourable Member wishes to speak I will put the question, will those in favour please say aye, those against no the ayes have it.

CLERK: Clause 2 amendment of section 26 (a) of Law 21 of 1964.

MR. PRESIDENT: The question is that Clause 2 stand part of the Bill. Does any Honourable Member wish to speak?

MR. BENSON O. MARINO: Mr. Chairman, this is move by way of seeking clarification. I would just like to be assured that where it says "provided that the Financial Secretary may, where he is satisfied" that we would have the assurance that this satisfaction would come by use of the officers of the Probation and Welfare Department they would normally be, in the case of Hospital Fees and Government give assistance in other respects. In other words, that the person's circumstances will be investigated.

HON. T. C. JEFFERSON: That is correct, Mr. Chairman, it is the procedure that we have in mind of executing.

MR. BENSON O. MARINO: Thank you.

MR. CHADDOCK EVANS: Mr. Chairman, while I understand and agree that it is probably the right channel to go through, the Financial Secretary to deal with them and then be looked by the other officers as has been said, but I am hoping, Mr. Chairman, that the Financial Secretary will realize that many, many complaints and grievances that they will not meet the requirements of payments but if the proper investigation is carried out, you would find that many of these persons are not at the lower ebb of living that they would indicate; you will probably find some of them with two cars in their yard and T.V.s and everything else, but when it comes to the benefit of the child or children they feel that it should be wholly the responsibility of Government to provide everything free to them and it will create other avenues of dissatisfaction with the public, Sir.

MR. PRESIDENT: I have allowed the Honourable Member to make his point, but perhaps should comment for the information of the Committee as a whole that I think really points of that nature are more properly made during the Second Reading of the Bill; the Committee stage is for making amendments to minor points of wording. However, the Member has had his opportunity to make his point.

MR. CHADDOCK EVANS: Mr. Chairman, I do not propose for any considerable time as you deal with these things and sleep on them in the night and get up in the morning, things come to you that you feel are justified to be brought to the attention of Members. So I thank you, Sir.

MR. PRESIDENT: I am sure the Financial Secretary will take a note of your words.

HON. THOMAS M. FODDEN: Mr. Chairman, could I just ask that two amendments be made at the Table, Sir. The first one is in the memorandum of Objects and Reasons "which" is spelt "wheih" and in section 2 the marginal note there is a comma "s" for mention.

MR. PRESIDENT: Where is the comma..... I cannot even see a comma.....oh.

MR. CHADDOCK EVANS: "Cayman children" then "which"....

MR.PRESIDENT: I have got the "which" in the marginal note.

HON.TRUMAN M.DODDEN: On the marginal note there is a small "s" instead of a capital S for section, which is more neat...

MR.PRESIDENT: I am just looking through but we change them to have a small "s" in all the other sections, as we never should, but maybe our draughtsmen will tell us what is correct.

HON.MICHAEL BRADLEY: Well, I would have a disagreement with my Honourable Colleague, but the word "section" is spelt with a small "s" except when it starts a sentence therefore the abbreviation of the word "section" should, as I see it, be a small "s" also.

HON.TRUMAN M.DODDEN: Well, I bow them to the Learned Official Member's ruling.

HON. MICHAEL BRADLEY: I think in the past, Sir, there have been capital words for section and I think I have been turning them into small cases on that basis.

MR.PRESIDENT: Well, at the Table we have noted the amendment to the which.

HON.MICHAEL BRADLEY: I am sorry, Sir, I lost "which" in what?

MR.PRESIDENT: It is a typing mistake, on the Memorandum of Objects and Reasons the final line "which".

HON.MICHAEL BRADLEY: Well, the Objects and Reasons, Sir, are strictly speaking not part of the bill, but when we are amending appropriate words there, namely in the first line the word "retrospectively"....is it spelt right?

MR.PRESIDENT: Yes, that's right.

MR.JACKSON D.ELLIS: No, Sir, the "S" and the "I" are .... I believe, my is, Mr.Chairman, this a form of new English!

HON.TRUMAN M.DODDEN: Perhaps it will be called the "Printer's" or the "Prime English" at the end.

MR.PRESIDENT: I am losing myself. I think we are still debating the second clause of the bill, perhaps we can get back to it and perhaps if we have strayed sufficiently and Members have had sufficient opportunity to voice their views I can put the question that clause 2 stand part of the bill. Those in favour please say aye, those against no, the ayes have it.

CLERK: Clause 3 Retrospective effect.

MR.PRESIDENT: The question is that Clause 3 do stand part of the Bill. Does any Honourable Member wish to speak? I will put the question. Will those in favour please say aye, those against no, the ayes have it.

CLERK: A LAW TO PROVIDE FOR TURKS ISLANDS EDUCATION LAW, 1960

MR.PRESIDENT: The question is that the Title do stand part of the bill. Does any Honourable Member wish to speak? I will put the question. Will those in favour please say aye, those against

MR.PRESIDENT (INTERRUPTING): no, the same hour it. That concludes proceedings in Committee on various bills. The House will resume.

HOUSE RESUMED

MR.PRESIDENT: Please be seated.

PRIVATE MEMBERS

THE INTERPRETATION (AMENDMENT) BILL, 1983

HON.MICHAEL GRANNUM: Mr.President, Sir, I beg to report that a Bill shortly entitled The Interpretation (Amendment) Bill, 1983 was considered in Committee and passed with no amendment.

MR.PRESIDENT: The bill is accordingly set down for third reading.

THE FIREARMS(AMENDMENT) BILL, 1983

HON.D.E.FOSTER: Mr.President, I have to report that a bill .. we are going to do all the Third Readings after all the Reports are over, Sir? That is probably the best way, Sir.

MR.PRESIDENT: That is what I had contemplated. I cannot remember what our normal procedure is, I am ashamed to say.

HON.D.E.FOSTER: I think that is what we always do,Sir,

MR.PRESIDENT: I think we normally do all the reports and then all the Third Readings, do we not?

HON.G.HILTON HUGGINS: If I can help, Mr.President, the Third Reading is not set down for today, anyhow.

HON.D.E. FOSTER: But Mr.President, I think it was the intention that it followed, I am sure the Clerk has written that.

MR.PRESIDENT: It is perfectly true they are not on the Order Paper, but I certainly understood it to be Members' wishes that we should take the Third Reading.

HON.MICHAEL HADLEY: Mr.President, Sir, as I see it under Standing Order 52 (2) when a bill has been reported from a Committee of the Whole House the Member in charge of the bill may either ask for the House to proceed to the Third Reading forthwith or may name a later day. That was what I was proposing to do, Sir.

MR.PRESIDENT: You mean to ask forthwith?

HON.MICHAEL HADLEY: As I see it, Sir, we either proceed forthwith or I name a later day.

MR.PRESIDENT: Looking at Minutes of past meetings we normally seem to do all the Reports and then all the Third Readings and unless any Member sees any objection, I think we will take all the Reports and then move on to all the Third Readings, since the Third Readings do not seem to be set down, perhaps the Third Readings are never set down on the Order Paper.

HON. (JASON) G. KOSIKA: I think the procedure the Second Official Member suggested would help us to get through the business, that is each person to move the Third Reading is asked for and we will get through with it.

MR. PRESIDENT: And we get through with it. All right. Let us do that then. Let us go back and in respect of the Interpretation Bill the minute are making that the Third Reading be taken straight away, and I will ask the Clerk to proceed accordingly.

CLERK: THE INTERPRETATION (AMENDMENT) BILL, 1962

HON. MICHAEL MAINGA: Mr.President, Sir, I beg to move that a Bill shortly entitled The Interpretation (Amendment) Bill,1962 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Interpretation (Amendment) Bill ,1962 be given a third reading and passed. Does any Member wish to speak? I will put the question, will those in favour please say aye, those against no the ayes have it.

BILL GIVEN A THIRD READING AND PASSED

THE PIRARAMA (AMENDMENT)(NO.2) BILL, 1962

HON. D.H.FOSTER: Mr.President, I have to report that a Bill entitled The Pirarama (Amendment) Bill, 1962 was examined by a Committee of the whole House and passed without amendment.

MR.PRESIDENT: The bill is accordingly set down for Third Reading, the Third Reading can now take place.

CLERK: THE PIRARAMA (AMENDMENT)(NO.2) BILL, 1962

HON. D.H.FOSTER: Mr.President, I move that the Pirarama (Amendment) Bill, 1962 be given a Third Reading and passed.

MR.PRESIDENT: The question is that a Bill entitled The Pirarama (Amendment) (No.2) Bill, 1962 be given a Third Reading and passed. If no Member wishes to speak I will put the question, will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A THIRD READING AND PASSED

THE POSTAL (AMENDMENT) BILL, 1962

HON.C.HALE DODSON: Mr.President, I have to report that a Committee of the whole House examined a Bill for a Law to Amend the Postal Law and passed it without any amendment, except that note was taken that certain small typographical errors had been corrected on the table.

MR.PRESIDENT: The bill is accordingly set down for Third Reading and the Third Reading may now take it.

CLERK: THE POSTAL(AMENDMENT) BILL, 1962

HON.C.HALE DODSON: Mr.President, I move that a Bill entitled the Postal (Amendment) Bill, 1962 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a bill entitled The Postal (Amendment) Bill, 1982 be given a Third Reading and passed. If no Honourable Member wishes to speak I will put the question, will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A THIRD READING AND PASSED

SUPPLEMENTARY APPROPRIATION (1980) BILL, 1983

HON. F.C. STEPHENSON: Mr. President, I have to report that a bill entitled a Bill for a law to allow and confirm certain expenditure during the financial year 1980 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The bill is accordingly set down for Third Reading which may now follow.

CLERK: THE SUPPLEMENTARY APPROPRIATION (1980) BILL, 1982

HON. T.C. JENNINGS: Mr. President, I move that a bill entitled a Bill for a law to allow and confirm certain expenditure during the financial year 1980 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a bill entitled a Supplementary Appropriation (1980) Law, 1982 be given a Third Reading and passed. If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A THIRD READING AND PASSED

THE SUPPLEMENTARY APPROPRIATION (1981) BILL, 1983

HON. F.C. STEPHENSON: Mr. President, I have to report that a bill entitled a Bill for a law to allow and confirm certain expenditure during the financial year 1981 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The bill is accordingly set down for Third Reading and the Third Reading may now follow.

CLERK: THE SUPPLEMENTARY APPROPRIATION (1981) BILL, 1983

HON. J.C. STEVENSON: Mr. President, I move that a bill entitled a Bill for a law to allow and confirm certain expenditure during the financial year 1981 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a bill entitled a Bill for a law to allow and confirm certain expenditure during the financial year 1981 be given a Third Reading and passed. If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A THIRD READING AND PASSED

THE LAND HOLDING COMPANIES (STAMP TRANSFER TAX) (AMENDMENT) BILL, 1982

HON. T.C. JENNINGS: Mr. President, I have to report that a bill entitled a Bill for a law to amend the Land Holding Companies (Stamp Transfer Tax) Law, Law 14 of 1979 was considered by a Committee of the Whole House and passed with the following amendment -

that the Land Holding Companies Share Transfer Tax (Amendment) Law, 1980 be amended in paragraph (a) of clause 3 thereof

(i) by the deletion of the words "new paragraph" and the substitution therefor of the words "two new paragraphs"

(ii) by the deletion of the period " and second period at the end thereof" and the substitution thereof of semi-colon and semi-colon and

(iii) by the addition immediately thereafter of the following -

(f) transfers for natural love and affection between children born of the same parent or between grandparents and grandchildren where such transfers have been certified by the Financial Secretary to be transfers in respect of which he is satisfied that the provisions of this section may properly apply.

MR. PRESIDENT: The bill is accordingly set down for third Reading and the Third Reading may now follow.

CLERK: THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1982

HON. T.C. JEFFERSON: Mr. President, I move that a bill entitled a Bill for a Law to amend the Land Holding Companies Share Transfer Tax Law, Law 14 of 1978 be given a third reading and passed.

MR. PRESIDENT: The question is that a bill entitled a bill for a law to amend the Land Holding Companies Share Transfer Tax Law be given a third Reading and passed. If no Honourable Member wishes to speak I will put the question. Will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A THIRD READING AND PASSED.

THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1982

HON. TRUMAN M. BODDEN: Mr. President, I have to report that a bill entitled the Cayman Islands Education (Amendment) Bill 1982 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The bill is accordingly set down for third Reading which may follow now.

CLERK: THE CAYMAN ISLANDS EDUCATION (AMENDMENT) BILL, 1982

HON. TRUMAN M. BODDEN: Mr. President, I move that a bill entitled the Cayman Islands Education (Amendment) Bill 1982 be given a third reading and passed.

MR. PRESIDENT: The question is that a bill entitled the Cayman Islands Education (Amendment) Bill, 1982 be given a third reading and passed. Unless any Honourable Member wishes to speak I shall put the question. Will those in favour please say aye, those against no, the ayes have it.

BILL GIVEN A THIRD READING AND PASSED

GOVERNMENT MOTION NO.5. SELECT COMMITTEE TO CONSIDER DISPLAY AND PUBLICATION OF BLASPHEMOUS, OBSCENE AND INDECENT MATERIAL AT CINEMAS.

HON.TRUMAN M.DOIDGE: Mr.President, I move the following motion -

"Whereas public concern has been expressed in relation to the display and publication of obscene and indecent films and specifically a preview of an X-rated movie at the showing of the film Ghandi recently,

NOW THEREFORE BE IT RESOLVED that this Honourable House do appoint a Select Committee consisting of all the Members of the Legislative Assembly to study and make recommendations in relation to the display and publication of blasphemous, obscene and indecent matters at cinemas.",

Mr.President, this is going to a Select Committee and I therefore do not intend to speak at any length. Members are aware of the concern publicly recently and it is on the basis of this that this motion has been brought. It will go to the Select Committee and there, I hope, that the recommendations will be back to this Honourable House at the next sitting to be dealt with as is deemed fit.

I should mention, Mr.President, that there is a gap in the present law in that it does not seem to embrace the laws relating to indecency in some instances in relation to the production on film of indecent incident, which, if committed in person, would be a criminal offence and this is one aspect that I would ask the Committee to look at and to bring in equality in that respect.

MR.PRESIDENT: I wonder - I am sorry to trouble the Member, but I wonder if the Member could read the motion out again because the only copy I can find that I have got of it seems to vary slightly from what I believe the Member read out, could you read again?

HON.TRUMAN M.DOIDGE: Yes, Sir, I am actually reading from the copy that was submitted with the Legislative Assembly papers and it reads -

"WHEREAS public concern has been expressed in relation to the display and publication of obscene and indecent films and specifically a preview of an X-rated movie at the showing of the film Ghandi recently NOW THEREFORE BE IT RESOLVED THAT this Honourable House do appoint a Select Committee consisting of all the Members of this Legislative Assembly to study and make recommendations in relation to the display and publication of blasphemous, obscene and indecent matters at cinemas.

If you wish, Sir, I would just let you have that motion.

MR.PRESIDENT: Thank you. I probably was given a copy of it but misplaced it.

The motion before the House which has now been just read out again is open for debate. Does any Honourable Member wish to speak?

MR.PEDRO C.EDMUNDS: Mr.President, in commencing my debate on this motion, I would like to state quite clearly that I am a share-holder in Leonard Investments, Limited, the owners of Cinema one and two on the West Bay Road at which the film Ghandi was recently shown, and I

MR. PERCY O. EBANKS (CONTINUING): I believe it is the only cinema in the Island to which the films are shown. This is a matter of public record, that is, my ownership in the company; my wives are not held in trust in my wife's name or in my children's name or by any other artifice or device. I therefore can make a contribution to this debate on this motion with possibly special and peculiar knowledge.

Mr. I am surprised that the Member should bring to this House a motion stating that there was a preview of an X-rated movie shown at the film Guard because generally the House of Assembly is responsible for the administration of the contents of what it states, and the previews that were shown were not of an X-rated movie. The policy of the cinema is that we do not show X-rated movies, they have never been shown at the Cinema and I can assure you that they never will be.

What is more disconcerting of course is the fact that I called this to the Member's attention when he opened my envelope and found it, and it is further interesting to note that this reached the newspaper as such and the press, particularly when the Member moving this seems to be concerned about the certainty of what goes into the press.

But, as I said, the policy of the cinemas in West Bay road is that we do not show X-rated movies, we have never brought them into the Island and we do not intend to do so. It is unfortunate that at the film Guard, the previews for an X-rated movie was included in the film, or that is, was shown prior to the film Guard, but I should point out that we follow closely and as carefully as possible the motion picture association of America rating of films and that association also rates the previews and for every X-rated movie there is a PG rated trailer and the preview that was in fact shown was a PG-rated preview.

I would go further and state, Mr.President, that the incident, as far as we are concerned, was unfortunate; it was a slip on our part; however it is further the policy of the Cinemas not to show PG trailers at a G movie or at a movie that we accept plainly as a movie of children.

The interpretation of X as an explanation of an X-rated movie as given by the American Motion Association is that X means that it is recommended, under 17 require parent or guardian. This is an adult film in some of its aspect and treatment as far as language, violence or nudity, sexuality or other content is concerned. The parent is advised in advance the film contains adult material and he takes his children with him with this advisory clearly in mind. The language may be rough, the violence may be hard and while explicit sex is not to be found in X-rated films, nudity and love-making may be involved, therefore the X rating is strong in its cautious advisory to parents as to the adult content of the films.

I have said that, Mr.President, to show that the definition there is under 17 and I would like to draw your indulgence to show the responsibility with which the Cinema has acted by self-imposing restrictions greater than those laid down by the MPAA. For example, the Cinema will not admit anyone under the age of 17 to an X-rated movie whether accompanied by a parent or not. There have been instances where parents have brought children to the Cinema demanding that the child be allowed to enter, saying that they wanted their child to see the particular film and management has refused to admit the child, and of course, the parent goes away irate, but we feel that it is a responsible stand and this is the one we think to be. Additionally, we require a person to be 18 years of age before they are permitted to come in to an X-rated movie unaccompanied.

MR. BENSON O. EDWARDS (CONTINUING): Yes, Mr. President, as I have said, by our laws, but like all other human endeavours there are slips, and to say that we have been proud of every film that has been shown at the cinema would be an untruth. Unfortunately, we are today in the hands of the state or condition of the act, and as far as the gaps in our laws or the laws relating to films as opposed to other public indecency or obscenity or whatever, the authorities on that, Mr. President, in British Law are very clear, and we have no fear whatever of defending anything that might be attempted against us. We will defend it, because while there are public comment on this film, this is not the first time an attempt was made to muzzle the cinema or to strangle it economically.

I will go further, Mr. President, and say that we at the cinema refused to accept advertising revenue from cigarettes and alcohol for years, it was not until Radio Cayman began to carry such advertising that we said, we are being stupid, we are losing custom to the back, and if Radio Cayman is going to make it appear the in thing, well then, we will accept the advertising revenue as well. So I am saying this to prove, Mr. President, that the cinema and its management have acted responsibly. We believe that we are serving a good cause in the community, and while I say that there have been instances where we have not been proud of everything that came on the screen, we have nothing to be ashamed of. We apologised to those persons who wrote either to the Press or us personally, thanked them for their criticism and in fact invited ideas from them as to how we may better serve our clientele.

Mr. President, with such a motion coming to the House I am surprised to see that this motion should be confined to cinema only, because as I mentioned, persons pay an entrance fee to the cinema, every film is rated so that a patron or patron known there to expect. I doubt very much that a mother taking a five or six year old child to a grocery store would expect that the child would escape and find herself looking at the centre fold of play boy magazine, which is out in public view and in full reach of every child that comes in - I would have thought that we would have been looking at that as well.

In other words, Mr. President, while defending the record and the past history of the cinema I propose to support the formation of the committee to go into the matter, but while we are at it I think we should try and clear up the area where it is put on unsuspecting people rather than those who go of their free will and with adequate notice providing of course that rules and regulations such as we have imposed are adhered to. I think too, Mr. President, I mentioned publications. I believe that we could also look at the language of people at public drinking places, many often other patrons are embarrassed by the indecent language used by some individuals at those places. No doubt I will be told that there is a law to cover that, but if there is a law to cover it let us have it enforced, and now Sir we would be surprised at what we would then read in the papers.

Mr. President, with that short comment I will support the formation of this committee, and I would hope that the mover might tend to wish to enlarge it to include other forms of blasphemous, obscene and indecent matters. Thank you.

MR. CHADDOCK EDWARDS: Mr. President, just a few seconds. I give my support to the bringing of this motion to the House regardless of what might be achieved from what not.

The motion spells out the one film that was being shown that a lot of public disinterest, unhappiness came in, but this is not the first one, this has happened more than one time and I feel, Sir, that it is high time that all reasonable measures be used to control as far as possible such type of behaviour whereon that is displayed or shown.

MR. CRADDOCK FEARNS (CONTINUING): The Member just finished speaking, the Member from West Bay, said that there are times when they prohibit or censor showing people under the age of eighteen. I wonder what proof they would have to prove that John Brown or Susie was definitely over the age of eighteen. That has been much of the grievance with our young people entering into licensed premises, the bar management do not go to any problem or any trouble to find out their age, and I think that goes along in other areas as well. I find, Sir, as I have just said, it is high time I think that some control to some extent in certain types of behaviour should be carried out, and I am prepared to go to the full extent in the committee stage in dealing with this to what might be reasonable in the case of the minor. So I thank you, Mr. President, for those few remarks.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the mover of the motion wish to exercise his right to reply?

HON. TRUMAN M. BODDEN: Mr. President, it was Shakespeare who said, "what is in a name, that which we call a rose by any other name would smell as sweet", that, Mr. President, is the crux of the matter with this motion. Regardless of what the cinema owners/operators wish to say, if they choose to put on films which produce nudity and indecency, then regardless of what it is rated as they are indecent and that is really the crux of the matter, and to which there has been no reply whatsoever.

If I made a mistake in calling it an X-rated preview, then I am prepared to apologise for that, but in substance nothing has changed. I could have called it an indecent - I could have called it an obscene preview, but we all know what it was and that is really the substance of what this motion has been brought on. It is destroying in my opinion completely my assumptions of any voluntary censorship or classification of the previews that were put on were rated so that children could see them. There were complaints which have arisen on a very wide and broad basis, including from Members of this Legislative Assembly, it is not something which is peculiar to me alone.

If the Member from West Bay who spoke on this feels that the controlling of indecency and obscenity in the cinema is mounting and strangling the cinema as he puts it, then it appears that the cinema may have to be weeded out strangled if it cannot this type of film to survive. Radio Cayman was referred to and it seems to me hypocrisy to talk about not advertising for cigarette and alcohol, nothing is lost on when Radio Cayman became on the air prior to this Government coming into power, put the advertising of cigarettes and alcohol on the air; they did not however put obscenity and indecency along with it. So the comparison as far as I can see, if they believed that something was wrong then why be misled by anybody else who commits a wrong.

This area of the law unlike most other areas of the law relating to this as I am told by the Police, and it appears to be somewhat inflexible and difficult to enforce, and it is on the basis of this as well as prompting from other Members within this House that I have brought this motion, and it is my view. Mr. President, if these films are shown especially to children it must have the tendency ultimately as the Cinematograph Law states to deprave and corrupt, and this is all we are endeavouring to stop by this motion which puts this into a committee.

The substance of the motion unlike the marital or the shareus clause is quite clear, and I do not see any reason to alter the words in it, because if I alter them I would merely replace them with the words "indecent and obscene" which is what basically I have meant in that marital. It is not a departure by reference to Chandi, it has occurred before, the previews was shown on several nights since after the first previews was seen, so the mistake was really not correct.

HON. THOMAS M. BODDEN (CONTINUING): as quickly as the owners perhaps now would like to say.

I would ask Members to support this motion. I think that the Cinematograph Law needs updating looking at, it needs to be up-dated and I think that the Law is extremely important because it is exhibited to persons on a very large scale in a public place and there is a mixing with it especially of the youths within these Islands. Other areas which the committee may wish to look at, well the law is there and it would be up to Members ultimately to make decisions and recommend to this House in relation to this specific motion.

I would just like to remind Members, despite how we play with words, what I said earlier, that a rose by any other name is just as sweet.

MR. PRESIDENT: The motion before the House is that a Select Committee consisting of all Members of the Legislative Assembly be appointed to study and make recommendations in relation to the display and publication of blasphemous, obscene and indecent matters at cinemas.

QUESTION PUT: AGREED. THE MOTION WAS PASSED.

MR. PRESIDENT: I am not sure whether the House or in consultation the mover of the motion had in mind that the Select Committee might appoint its own Chairman or had in mind that I make an appointment under Standing Order 69(1).

HON. THOMAS M. BODDEN: I bend to your appointment, Sir.

MR. PRESIDENT: Since it is really going to be a matter of drafting .....

HON. MICHAEL J. BRADLEY: With respect, Mr. President, Sir, I think perhaps the person having portfolio responsibility would be the appropriate Chairman.

MR. PRESIDENT: Well, perhaps I will leave the committee to sort it out itself on this occasion. Standing Order 69(1) does say, if I do not make a nomination the committee should elect one of its own Members. I think I will leave the committee to do that.

HON. MICHAEL J. BRADLEY: My Honourable colleague here has raised perhaps a small point, that if we do not have a Chairman whose responsibility do it to call the first meeting, Sir?

MR. PRESIDENT: Perhaps if I am allowed to do that I will make it the responsibility of the mover to arrange the first meeting be called, and then at that meeting. Motion No. 3.

GOVERNMENT MOTION NO.3 - ELECTIONS LAW

HON. D.E. MCKEEVA: Mr. President, I beg to move Government Motion No.3 which reads as follows:

> WHEREAS the present Elections Law was brought into operation in 1962 with various amendments in 1971, 1972 and 1980;
>
> AND WHEREAS it is considered that the Law should be updated;
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> BE IT RESOLVED that this Honourable House appoint a select committee consisting of all the Elected Members to consider and make recommendations for election procedures;
>
> AND BE IT FURTHER RESOLVED that the Second Official Member be appointed Chairman of the committee with a quorum of seven Members including the Chairman.

MR. PRESIDENT: The motion before the House is that a select committee be appointed consisting of all the Elected Members to consider and make recommendations for election procedures.

Does any Honourable Member wish to speak?

MISS ANNIE H. HOWDEN: Mr. President, if I heard this right, I thought it said seven members to form the committee. I would respectfully submit, Sir, this is a very important matter and I would like to see all of the entire Assembly of the Elected Members on that committee.

MR. PRESIDING: I think all the Members are to be on the committee, the seven was a quorum for particular meetings, as I understood it.

MISS ANNIE H. BODDEN: Well, I am sorry if I did not understand it correctly, Sir.

MR. PRESIDING: It is perhaps my fault for not reading the whole motion through again, I thought I could short circuit a bit.

MISS ANNIE H. BODDEN: Well, I take your word, Sir.

MR. PRESIDING: All the Elected Members are to serve on the committee with the Second Official Member as Chairman. Now I am not quite sure that it is right that he should be nominated as Chairman, I think perhaps the motion is slightly out of order, but the Second Official Member on the committee too, and that the committee should have a quorum of seven. I am not sure whether Standing Orders cover quorums for select committees.

HON. D.H. FOSTER: Standing Order 73.

MR. PRESIDENT: Well, that is for Finance Committee, 73. I do not see why the House should not itself lay down to make a quorum if it wishes. The proposal now is that all the Elected Members of the House and the Second Official Member should be appointed to the select committee and the quorum should be seven.

Does any Member wish to speak?

MR. NORMAN W. BODDEN: Mr. President, I rise to support this motion, and I believe that it is high time that our Elections Law be up-dated to meet the demands and needs of a changing Cayman which is vital to our future.

I well recall the situation that existed at the George Town polling station, the Town Hall on election day in 1960, and I thought to myself, is this how other people before me became a representative of their people? I dare say that the situation that existed left much to be desired and needs to be improved very definitely before the election next year. Without seeming to become over nationalistic, I believe that those persons with the right to vote in this country and those eligible to stand for election should be carefully reviewed and given careful consideration so that it is clearly defined and accurately carried out to avoid anything that might have an adverse effect on our future. With these few words, Sir, I support this motion.

MR. CHADDOCK EBANKS: Mr. President, again in brief, this has been another matter of my concern, not just presently, it has been over a few years and I have expressed my views, my feelings to this Honourable House on various occasions along these lines, and as far as I am concerned Sir, it has been drawn out too long and not looked into before now. I am prepared, Sir, to give this motion my full support and contribute to it to the best of my knowledge and ability for the betterment and for the safe running of this country, Sir.

I thank you.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

CAPT. MANNY S. KIRKCONNELL: Mr. President, I rise to support this motion and I endorse the views expressed by the First Member from George Town, as I feel it is our responsibility as legislators to legislate laws that will be to the betterment of our country for decades and decades to come. Thank you, Sir.

MR. DALMAIN D. EBANKS: Mr. President, I too want to give this my support. I feel like this is legislation that is long overdue, and as has been said before, anything that we can do to help matters in our country we should do it, and I want to give this my whole support.

MR. BENSON O. EBANKS: Mr. President, I realise that our Elections Law needs up-dating, but I am wondering whether in the third paragraph which reads "Be it resolved that this Honourable House appoint a select committee consisting of all the Elected Members to consider and make recommendations for election procedures" is in fact the wording that we should have in this motion. I would hate for a committee to do a lot of work and then find out that we have gone beyond the terms of reference given to it.

What I am really saying, Mr. President, is I think certainly in the narrow sense election procedures would deal with the procedures of holding the election, but our Elections Law covers a much wider field. It defines who may stand for election, who may vote and all the rest of it, and I am wondering whether we should not have this wording something like "and make recommendations for amendments as may be deemed necessary" or something like that. Thank you.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I just wish to bring to the attention of this Honourable House two minor points, one is that the Honourable the First Elected Member for George Town mentioned as part of the terms of consideration of the select committee the question of, as I understood it, qualification for membership of the Legislative Assembly and eligibility to vote as an elector to that. Those are, Sir, in my understanding contained in the provisions of the Constitution and would not be within the competence of this select committee, though of course they could if they wish to expand their terms of reference of that motion slightly, empower themselves to make recommendations, which of course, could not be carried into effect by this House of its own volition.

The second point is, I think that perhaps the feelings of another Honourable Member are common in, that it might be better to spell out if it was so wished by Members explicitly that there should be power to propose amendments to the Elections Law. My understanding is that the First Official Member is prepared to accept or will himself propose an amendment to that effect.

The third point is a technical one, Sir, and it is that as the motion stands at the moment the select committee will consist of all the Elected Members, that being so, the select committee as yourself, Sir, can only appoint a chairman out of the Members of the committee. If it was wished for me, (and I am not pressing the point to be a member of that committee) - it would have to read "to appoint a select committee consisting of all the Elected Members and the Second Official Member," technically to make me a member of that select committee, Sir, whether or not it was the wish to appoint me chairman or not. Thank you.

MR. PRESIDENT: I read the motion, although it seemed to me slightly unusually worded as implying that you were to be a member, because although the third paragraph of it said that the select committee consisted of all the Elected Members it did not say that it consisted of them and nobody else. The fourth paragraph said that they wanted you to be chairman; well, you could not be chairman without being a member, so I took it implicitly you were to be a member but it could be more clearly

MR. PRESIDENT (CONTINUING): expressed, I do agree. I also took it that election procedures was meant to be in as wide a term as the mover would think of and to encompass whatever might be necessary connected with an election, in other words, amendments to the Law and so on and so forth. Again, if Members want the motion to be made more explicit for the avoidance of doubt, and if the mover is either prepared to himself propose or to accept amendments to deal with both these matters, so be it.

I do not think that the select committee would ever think it will be inhibited as to the range of matters connected with the election on the Election Law, that it can discuss even if the motion is not amended, because the discussion here in the House is made very plain. If the Speaker wants to move an amendment he can. If nobody else wants to speak I will ask the mover of the motion if he wants to reply, and may be he will move an amendment.

MR. BENSON O. EBANKS: I realise I do not have a right to speak a second time except purely by clarification, Mr. President. Since the committee is supposed to make recommendations, I am not worried about what we are going to discuss, I am sure we are going to discuss everything in the world once we get into committee, I am worried about the amendment from the committee. If the mover is prepared to make the amendment, I would be more happy and I would not make it I would rather it be follow in his name. Thank you.

HON. D.H. FOSTER: Mr. President, it was definitely the intention, Sir, that if it was found necessary for the Law to be amended that the committee should do so. As stated in the paragraph 2, "And whereas it is considered that the Law should be updated", the intention, although it might not have been made as clear, is that the committee if it found necessary to amend the Election Law to do so as to be bring it in the report.

Mr. President, if Members would feel happier I would like to move an amendment, Sir, in paragraph 3 just by the addition of the words "and amendments to the Election Law if necessary". I think that will take care of it, Sir. So paragraph 3 would now read, "Be it resolved that this Honourable House appoint a select committee consisting of all the Elected Members to consider and make recommendations for election procedures and amendments to the Election Law if necessary".

Regarding the Chairman, Sir, the Second Official Member has proven himself no capable recently, Sir, in having his committee meetings every Wednesday that I think it would be fit and proper to make it a standing thing that we have a committee meeting every Wednesday with the Second Official Member in the Chair. Seriously, Sir, I also like . . . this as important as it is, Sir, I feel that our legal advisor or our Second Official Member should really be in charge of it to make sure that it is done properly and in the proper drafting, and the legal guidance that he is capable of giving, Sir, to a great contribution to the committee.

Having said that, Sir, I recommend the motion.

MR. PRESIDENT: I wonder if you want to clarify the motion to take the point that the Second Official Member himself made by including in the third paragraph after the words "Elected Members" the words "and the Second Official Member".

HON. D.H. FOSTER: Yes, Sir.

MR. PRESIDENT: That would remove all doubts.

HON. D.H. FOSTER: Yes, Sir. In the third paragraph "of all the Elected Members and the Second Official Member", that would take care of it now, Sir.

MR. PRESIDENT: So the third paragraph would now read, "Be it resolved that this Honourable House appoint a select committee consisting of all the Elected Members and the Second Official Member to consider and make amendments for election procedures and amendments to the Elections Act if necessary".

HON. D.H. FOSTER: Yes, Sir.

MR. PRESIDENT: Does any Honourable Member wish to speak to that amendment. I will put the amendment.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. PRESIDENT: I will now put the motion as amended.

QUESTION PUT: AGREED. MOTION AS AMENDED PASSED.

MR. PRESIDENT: The motion is carried. In that case the select committee is to consist of all the Elected Members and the Second Official Member. To make it quite clear and quite proper I nominate, even though the motion purported to do so., the Second Official Member to be Chairman of that select committee.

Private Member's motion.

PRIVATE MEMBER'S MOTION NO. 1 - DRESS CODE

MISS ANNIE E. BODDEN: Mr. President, Sir, I should like to move Private Members Motion No. 1, which reads:-

> In accordance with the provisions of Standing Orders XVIII and XVII(7) it is moved that the House do appoint a select committee consisting of all the Elected Members and the First Official Member for the purpose of examining and considering the desirability of further legislation, and, dealing with the subject of standards of decency in dress for persons in the Cayman Islands whether residents or visitors and for making such recommendations in that behalf as the committee may deem appropriate;
>
> AND BE IT FURTHER RESOLVED that the select committee so appointed do incorporate and deem to be part of their proceedings the minutes, recommendations and other business transacted by the select committee on the same subject appointed during 1981 and which said select committee met once during the 1st Session of the Legislative Assembly.

I beg to move that Mr. President.

Mr. President, while this Private Member's Motion might not be the most wording that would fill the bill, I feel that I personally would like to see some sort of measures passed all over the place in regards to dress.

Now we have heard here about indecent language, and I think that even far worse is some of the indecent apparell which men and women, including Caymanians do appear on the streets with. I have seen it down in hotels where I have gone to eat, "not allowed here in swimming suits" I have also seen "not allowed here in shorts for dinner" and I feel that, Mr. President, we could greatly eliminate some of the evils if we allowed people to be properly dressed. I would even go further than that and say now, in the olden days that people were not allowed to go in the Court House unless they had on a coat, they might have even sometime to borrow one, but they dare not go into the Court House with shirt on with shorts now and too-tive, their shoes might have been broken in the sole and their jackets even borrowed but they had to be dressed like that, and I

MLAS ANNIE H. POOLE (CONTINUING): would like to see some dignity restored to people dressing appropriately where they go.

Now, Mr. President, I am not adverse to anybody making any recommendation that will deal with this. I do not press for legislation, because that would be a long drawn out thing, but I feel that some method could be established whereby we would have a more decent dress code. Thank you, Sir.

CAPT. C.I. KIRKCONNELL: Mr. President, I beg to second the motion.

MR. PRESIDENT: The motion is that the House do appoint a select committee consisting of all the Elected Members and the First Official Member for the purpose of examining and considering the desirability of further legislation, etc, dealing with the subject of standards of decency in dress for persons in the Cayman Islands whether residents or visitors and for making such recommendations in that behalf as the committee may deem appropriate; AND BE IT FURTHER RESOLVED that the select committee so appointed do incorporate and deem to be part of their proceedings the minutes, recommendations and other business transacted by the select committee on the same subject appointed during 1981 and which said select committee met once during the 1981 Session of the Legislative Assembly.

Does any Honourable Member wish to speak?

MR. ORRINGTON BANKS: Mr. President, again a brief short time. I guess you will realise, Sir, that I am somewhat an over-disciplinarian. I too myself, Sir, have disagreed with the mode of a lot of people moving around on the streets, in courts, even in the churches, supermarkets, restaurants, any place you may want to name, in many instances on the sensation very fashionably dressed. Some of this ought to be carried out by those responsible with management of running their places, their places business, but as usual the majority of the people foot that whatever is to be done it must be the twelve Elected Members to do it, regardless of what area or what field.

I too, Mr. President, give my support to this motion and will do anything that I can to help bring a little bit more decency of people clothing themselves to move around in any area that it would look better for the country and its inhabitants.

CAPT. C.I. KIRKCONNELL: Mr. President, we have been through this exercise before. In May of 1981 we formed a select committee to go into the same matter as the motion suggests today, and unless this select committee is going to be active and constructive and will come to grips with the problem we are wasting our time. I feel that it is not unreasonable to ask our visitors to wear proper attire while here on holiday, because this is our country and we must insist that due respect be given to our constitution and way of life. We have to respect the custom and way of life in other countries when we visit them, so why should they not consider and respect our custom.

It is our duty also to protect our people, especially the youths in their formative age, and who will be the future inhabitants of our Islands. I shall, Mr. President, do my utmost to see that our country is not left to drift like a ship on the ocean without a rudder as long as I am in this House, and I hope that other Members will assume this same responsibility to themselves, to their families and to the people of this country. I am asking every Member to join together and let us face the problem and let us do something constructive now while we have the time. Thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

MR. BENSON O. HARRIS: Mr. President, I wish to support this motion. I realise that it is impossible to legislate morals or make laws to enforce it for anyone, but I think the mover made it plain that she was not necessarily pressing for legislation, and I am really disappointed that she has had to have the second bite at the apple here because this should have been dealt with and completed arising from the 1981 committee. The decision there was, we had several copies of brochures or leaflets which were used in other tourist destinations and we were supposed to have such an efficient organization for disseminating public information at that time that that organization was going to undertake to make a composite brochure for us from the samples which we had.

There is no doubt about it, Mr. President, people, both visitors and residents move about in public places in the middle of Town quite indecently dressed. Now I realise that for most people when that happens they are called pretty little birds or did you see that blonde chick, and had it been on the screen screen it would have been indecent. We I feel must do something to educate people to respect sensibilities of people in public places and dress accordingly. It is my belief, Mr President, that many residents in the country and many of our tourists are put off and embarrassed by the dress that some of the people appear in public in, so I do not think we have any fear of offending the sensitivities of anybody by requesting them to do what this motion seeks to do, that is to dress reasonably when they are coming into the middle of Town to shop or to go into a bank or whatever, we have plenty of beach where they can put their sun tan, they do not need to catch that in the middle of Town.

As an example, Sir, I could quote the recent celebration of Her Majesty's Birthday. There were persons present there who in my opinion should have been thrown out, they did not leave much to the imagination and that was a solemn and important occasion. Other tourism destinations which have been quite successful in the promotion of the tourist industry have done this. What they do is, they prepare, and what I would hope that we would do is to prepare a leaflet which would be placed in each hotel room, possibly given to the cruise ships to place in their cabins, (that is cruise ships that are coming to the Cayman Islands) - saying that the Cayman Islands or Cayman Islanders or put it in the name of the hotel association or Tourism Department or whatever, suggest and request that while in public places or shopping in Town or whatever they wear appropriate clothing not their bathing suits, or if they are going to have on bathing suits that they have something over it; some of them sometimes have on shorts that are shorter than the bathing suits. If these are placed in the appropriate places I believe that our wishes would be respected, and this would bring about the desired result and it would be less invasive than for our own people to follow what is believed to be the in trend with wearing short shorts, short short dresses and the rest of it. I thank you.

MR. PRESIDENT: Unless any other Member wishes to speak I will ask the mover of the motion whether she wishes to exercise her right to reply.

MISS ANNIE H. BODDEN: Mr. President, Sir, I thank those who have supported this motion, and I feel sure that in the hearts of everyone of these men it is the same desire that I have, and that is to see ladies in particular properly dressed. Those who have spoken, I am sure they would not like to see them on the street in the manner that I have seen people, but nevertheless, I am not advocating that we should take away people's rights and privileges but I feel when people are in Town going to the banks, restaurants, stores, Government House, etc. they should be properly dressed or more appropriate than appears to be now.

I wish that the support of this House will be forthcoming. I am not pressing for something that you have to be dressed

HON. ANNIE H. BODDEN (CONTINUING): with some deem to your feet, I am suggesting that on the beach they wear beach clothes. I am an old woman now but I have worn bathing suits and sometimes very short ones at that, but they were on the beach I was not walking about Town or going to my work with a bathing suit on, and I feel that there is a proper place for proper clothing. I will hope that no one here in this building will take any exception that I am trying to hamper anything. I am trying to promote decency in dress in these Islands. Thank you, Sir.

MR. PRESIDENT: I will put the question.

QUESTION PUT: AGREED. MOTION PASSED.

MR. PRESIDENT: I do not propose to nominate under the provisions of Standing Order 69(3) a chairman of the select committee, I shall leave the select committee to elect its own chairman, but I would suggest perhaps, as I did in the case of the other select committees, the first to be appointed as a result of the first motion this morning that perhaps the mover of the motion should take responsibility for making arrangements for the first select committee to be summoned so that at least it gets on the way, and then a chairman can be elected.

HON. ANNIE H. BODDEN: Thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President, I think out of an abundance of caution, neither the Private Motion never nor myself moved for a quorum in each of these motions, and perhaps if I could just put a very short motion now seeking the Standing Order for notice that the quorum on both the Private Member's Motion and Government Motion No.2 be fixed at seven. I had a quick look, Sir, in the Way's and Means Procedures, and it seems that the House of Lords does not fix a quorum but it is usual for the Commons to fix a quorum, so the majority rule may not apply.

MR. PRESIDENT: If the mover of the Private Motion has no objection to that I would be happy in accordance with the introduction of Standing Order 42 to waive the provisions of - you will have to help me - Standing Order, it is a Standing Order that requires notice to be given of motions.

HON. TRUMAN M. BODDEN: It is Standing Order 24(5).

MR. PRESIDENT: Yes, Standing Order 24(5). I will be happy to waive the provisions of Standing Order 24(5) in order to enable a motion to be put, that in the case of the two select committees appointed, one to look at Caymans language etc. in the cinema and the other to look at standards of dress, the quorum should be set at seven.

Does any Honourable Member wish to speak to that motion. In that case I will put the question.

QUESTION PUT: AGREED. MOTION PASSED.

MR. PRESIDENT: The quorum in all of the three select committees that we have appointed now becomes seven.

HON. MICHAEL J. BRADLEY: There was a fourth one, The Succession Law select committee. We have in fact appointed four select committees at this sitting of the House.

MR. PRESIDENT: Well, that is quite true. Do you wish the motion to cover The Succession Law? No. (LAUGHTER) We have not in fact normally had quorums before and we seemed to have managed without

MR. PRESIDENT (CONTINUING): too much difficulty. Adjournment I think.

ADJOURNMENT

MOVED BY: HON. D.G. MAYER.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED AT 4:30 P.M. SINE DIE.

MR. PRESIDENT: Thank you. I look forward to evening, I hope, most of you this morning.

THIRD MEETING OF THE FIRST SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 8TH SEPTEMBER, 1961

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON. D.H. FOSTER, CVO,CBE,JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.
HON. MICHAEL J STADLEY, O.B.E	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. MANDER	MEMBER FOR TOURISM AVIATION AND TRADE
HON. G. HAIG BODDEN	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

CPT. J. GARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. D. DAGMAR 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 VELMA BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
CAPT. MARY E. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
MR. CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* Absent - on leave granted.

ORDERS OF THE DAY

FIRST DAY

FRIDAY, 9TH SEPTEMBER, 1938

7. TRAINERS

9. REPORTS -

(a) FINANCE COMMITTEE

(i) Meetings held on 6th July, 1938
(ii) Meeting held on 28th July, 1938

TO BE LAID ON THE TABLE BY THE CHAIRMAN THE HONOURABLE THIRD OFFICIAL MEMBER.

(b) RAILWAY CONSULTATIVE

(i) The Succession (Amendment) Bill, 1938 -
AT THE CHAIRMAN THE HONOURABLE SECOND OFFICIAL MEMBER. TO MOVE THAT THE REPORT OF THE SELECT COMMITTEE BE ADOPTED AND THAT THE HOUSE PROCEED TO THE THIRD READING FORTHWITH.

(ii) The Dress Code BY THE CHAIRMAN THE THIRD ELECTED MEMBER FOR KEST BAY.

(iii) Display and Publication of Obscene and Indecent Matters at Cinemas BY THE CHAIRMAN THE HONOURABLE SECOND OFFICIAL MEMBER.

8. QUESTIONS -

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER REPRESENTING THE MINISTER FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 13: During February of this year an amnesty was granted to the public for the purpose of surrendering and/or applying to license firearms. Will the Member give details as to the number and particulars of firearms and ammunition surrendered to police during the said amnesty?

THE THIRD ELECTED MEMBER FOR THE NAVAHO ELECTORAL DISTRICT OF CEDAR TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND ADMINISTRATION

NO. 14: Would the Member state whether the yearly head tax for men up to sixty years of age is being collected by Government?

NO. 15: Will the Member state when the proposed new Customs House building will commence?

NO. 16: Will the Member state the total amount of fines imposed and collected in the Courts from drug cases for the period January to 31st August, 1938?

THE FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER FOR EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 17: Will the Minister give this House the assurance that the submissions of objections and comments made by several concerned citizens on the 1988 review of the Development Plan will be given due consideration and implemented as necessary?

THE FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND SPORTS

NO. 18: It is noted that Cayman Airways Limited is losing over $20,000 a month on the Inter-Island air service. Will the Member give detailed figures to substantiate the loss?

THE SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND SPORTS

NO. 19: Could the Member state what arrangements are being made to reinstate air service Cayman Brac/Miami/Cayman Brac when the aircraft now undergoing its 1200 hour inspection and service?

4. PERSONAL EXPLANATION BY THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY (HONOURABLE D. KIRKCONNELL).

5. LEGISLATIVE BUSINESS -

BILLS:-

(i) The Prisons (Amendment) Bill, 1988 - FIRST AND SECOND READINGS
- COMMITTEE THEREOF; POSSIBLE THIRD READING;
- SUSPENSION OF STANDING ORDER 41 FOR THIRD READING

(ii) The Motor Licensing (Amendment) Bill, 1988 - FIRST AND SECOND READINGS
- COMMITTEE THEREOF

(iii) The Roads (Amendment) Bill, 1988 - FIRST AND SECOND READINGS
- COMMITTEE THEREOF

(iv) The Public (Amendment) Bill, 1988 - FIRST AND SECOND READINGS
- COMMITTEE THEREOF

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FRIDAY THE 9TH SEPTEMBER, 1983

10:00 A.M.

MR. PRESIDENT: The Assembly is in session. I will ask the Rev. John Grey to say prayers.

REV. JOHN GREY: 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 amongst us.

Especially we pray for the Governor of our Islands, the Members of the Executive Council and Members of the Legislative Assembly, that they may be enabled faithfully to perform the responsible duties of their high office.

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

And now as our Saviour Christ has taught us, let us pray the Lord's Prayer together.

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

The Lord bless us and keep us, the Lord make His face 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. Reports by the Honourable Financial Secretary.

FINANCE COMMITTEE - MEETINGS HELD ON THE 6TH JULY AND 28TH JULY, 1983 - LAID ON THE TABLE

HON. THOMAS C. JEFFERSON: ... Mr. President, I beg to lay on the Table of this Honourable House the Finance Committee Reports for the 6th and 28th of July, 1983.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the total supplementary approvals granted for these two days amounted to $83,300.00.

In a meeting of the 6th July, 1983 approval was granted for the replacement of the Governor's vehicle, the replacement being a new Daimler. Finance Committee also approved that a guarantee given to Cayman Brac Power and Light Company should also cover the interest and the previously approved guarantee of $800,000 pounds. Approval was granted for a virement from Head 40, Capital Expenditure, Sub-Head 18 - Roads, Cayman Brac to Airport improvements, Sub-Head 45, to complete the asphalt surface on the extension of the runway at Gerrard Smith Airport.

A Supplementary request for funds to establish Wall Walls in the East End area was withdrawn simply because everyone agreed that this matter could be easily dealt with in the 1984 Estimates.

HON. THOMAS C. JEFFERSON (CONTINUED): A supplementary of $12,500.00 was approved to Head 10, Finance and Development, Sub-Head 7, Miscellaneous Visits and Entertainments, to cover the cost of engaging an accountant from AT & T International to examine the telephone rate structure at Cable and Wireless. $7,500.00 was approved for Head 13, Legal Department, Sub-Head 2, travelling on duty. To meet travel expenditure as a result of Court cases and to cover travel during the remaining months of the year, $33,500.00 was also approved for the Legal Department, to cover Crown Counsel expenses. Some bills were already at hand for trials on cocaine cases as well as Court of Appeal cases, and $10,500.00 of this sum, hopefully, to cover the remaining months of the year.

The meeting on the 28th of July, 1983 granted approval to Head 10, Agriculture, Lands and Natural Resources, $4,000.00 for travelling and subsistance to replenish the vote multiply from additional travel relating to the Cayman Turtle Farm. Approval was also given for a virement of $125,000.00 which would sustain the completion of the Bodden Town Civic Centre. These funds are under the same Head. Head 10, Sub-Head 88.

The matter of the Government Information Services was discussed at length, Mr. President, and the Committee agree to the following:- That -

(a) Government's contract with the Cayman Islands News Bureau be extended to the end of 1984;

(b) a new Government information service be established by January 1984;

(c) the new service not be offiiced under the administration of a Government Department;

Mr. President, on this item one Member of Finance Committee voted against. And

(d) Finance Committee to meet in September to determine the policies for the new service.

The Financial Secretary was also given approval, Mr. President, for Capital Projects, where he was authorise. virements up to $50,000.00.

Discussion was also held on the Owen Roberts Airport Terminal, and Honourable Members will recall that the project is quite a tidy one, requiring a good deal of funds. The arrangement with Caribbean Development Bank is that a loan of US$6 million has been approved, but first the Cayman Islands Government has to pay the expenditure and submit their claims to Caribbean Development Bank before we get any funds from Caribbean Development Bank.

Taking all these matters into account, Mr. President, Finance Committee authorised that during the period of leave for the Financial Secretary the Acting Financial Secretary should be authorised to transfer monies not exceeding $2 million from General Revenue for the purpose of funding the work to be carried out on the Airport. The authorisation was given with a view that whenever the need arose for funds to be drawn down he could so do.

Thank you, Mr. President.

MR. PRESIDENT: In accordance with the provisions of Standing Order 87 paragraph 4, the House is deemed to have agreed to the motion.

Item (b). Select Committees. The Succession (Amendment) Law, 1983.

THE SUCCESSION (AMENDMENT) LAW, 1983 - SELECT COMMITTEE REPORT LAID ON THE TABLE

HON. MICHAEL J. BRADLEY: Mr. President, Sir, in accordance with the provisions of Standing Order 72 sub-order (5), I present to the House the Report of the Select Committee on the Succession Bill, together with the Minutes of the proceedings of the Select Committee, and having so presented them I, in accordance with the said Standing Order move that the recommendations contained therein be deem to be part of the Bill and that the House proceed forthwith to the Third Reading of the said Bill.

MR. PRESIDENT: The motion before the House is that the Final Report of the Select Committee appointed to consider the Succession (Amendment) Law, 1983 be adopted by the House, and that the House do admit the amendments to the Bill that are specified in that Report, and that the House do proceed to the Third Reading of that Bill.

Does any Honourable Member wish to speak?

HON. MICHAEL J. BRADLEY: Just for the record, Mr. President. It was seconded by the Honourable Chief Secretary, you may not have heard.

MR. PRESIDENT: Does any Honourable Member wish to speak? If not, I will put the question.

QUESTION PUT: AGREED. REPORT AND RECOMMENDATIONS ADOPTED.

MR. PRESIDENT: The Succession (Amendment) Law, 1983 - Third Reading.

THE SUCCESSION (AMENDMENT) LAW, 1983

THIRD READING

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I beg to move the Third Reading of the Bill shortly entitled "The Succession (Amendment) Law, 1983".

Mr. President, Sir, Honourable Members will recall that at the June sitting of this Honourable House it was resolved that a Select Committee consisting of all the Elected Members with the Second Official Member as Chairman be appointed to consider this Bill and that the quorum of such Select Committee be seven.

The Committee, Mr. President, Sir, held two meetings, on Wednesday the 29th of June, 1983 and on Wednesday the 6th of July, 1983, and after deliberation and careful study on those dates your Select Committee recommended certain changes to the original Bill, and certain additions to the original Bill.

As it was first brought before the House, Mr. President, Sir, the original Bill provided that if an intestate person left a husband or wife and issue, that the surviving spouse should take the personal chattels absolutely .....

MR. DENZIL O. DOUGLAS: On a point of order, Mr. President. I am wondering whether we are on the Third Reading or the Report from the Committee?

MR. PRESIDENT: I think the Third Reading. That was my understanding.

My understanding of Standing Order 72(5) was that the Report by the Chairman of the Select Committee was in effect the Report stage, and that we then moved to the Third Reading, and that was why I invited the Second Official Member to move the Third Reading of the Bill.

MR. BENSON O. FRANKS: The point I am making is, Mr. President, that precedence is, that the Third Reading really carries no debate and is merely a motion that it be given a Third Reading and passed.

MR. PRESIDENT: I think perhaps under the - well, I will let the Second Official Member speak for himself.

HON. MICHAEL J. MACDONALD: Mr. President, Sir when it is a committee of the whole House, my understanding is that the committee of the whole House go through the Bill Clause by Clause, then it is a brief report stage and that it is the practice of the House on the Third Reading merely to make minimal debate.

The Select Committee has met, it has met in private, it has come to certain recommendations, it has confirmed those, (that is the committee stage) - I have to report it as I understand it, Sir, to the House, and then in moving the Third Reading I thought that it would be the wish of the House that I explain publicly my understanding of what the intentions and the recommendations of the committee were, and that Members, if they so wished would be given an opportunity to comment on them.

However, if Honourable Members wish merely for me to move the Third Reading without any explanation or debate I should be quite happy to do so.

MR. PRESIDENT: I had assumed that that was why the Member was explaining it at greater length than is usual in the Third Reading and it seems to me to be quite proper, but I am in the hands of the House.

Mr. BENSON O. FRANKS: Mr. President, the point that I am making is, that the explanation should have been made at the time the Report was being presented.

MR. PRESIDENT: I think that is a matter of choice, quite honestly. May I invite the Honourable Member to continue.

HON. MICHAEL J. FOLEY: I feel, Mr. President, Sir, that this Honourable House sitting in public deserves a short explanation by me as to the contents of it, whether it is made on the Report to the House of the Select Committee or the Third Reading I am very close, but if having adopted this procedure now we run to do so. So if the Members feel that I should make the explanation at the Report stage I will do it in relation to my next Select Committee Report.

As I was saying, Mr. President, Sir, the original provision in the Bill was that, if an intestate person left a husband or wife surviving, the surviving spouse should take the personal chattels absolutely, and in addition the residuary estate (other than chattels) should stand charged with a sum of ten thousand dollars or a sum equal to fifty percent of the net value to the surviving spouse. Having considered this, the Select Committee thought that the sum of ten thousand dollars or fifty percent of the net value of the estate, whichever was the greater, was perhaps too low, and the first recommendation made by the committee was that the sum of ten thousand dollars be increased to a sum of twenty thousand dollars.

The second change proposed by the Select Committee and recommended to this Honourable House is that sub-clause (aa), which it was thought to put in Section 32 of the original Bill by the latter portion of Clause 2, be enlarged slightly. It provided originally, "If the intestate leaves a husband or wife but no issue, the residuary estate shall be held - (i) if there is a surviving parent or parents, in trust as to twenty five per centum for such parent or parents and as to seventy-five per centum for the surviving spouse; and (ii) if there is no surviving parent or parents, for the surviving spouse absolutely".

The change made by the Select Committee to this was really a formalistic one, in that they thought it should spell

HON. MICHAEL J. GRAGEY (CONTINUING): out specifically that "if the intestate leaves a husband or wife but no issue, the surviving spouse shall take the personal chattels absolutely and the residuary estate of the intestate shall be held in the manner provided by previously".

The original Bill provided further that "where the father of an illegitimate child, not being a legitimate person has been adjudged to be the father by an affiliation order made under the Affiliation Law or any previous Law, then when that father dies intestate in respects of all or any of his property the illegitimate child, or his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate".

Having considered this provision contained in Clause 3 of the original Bill, the Select Committee decided to make no change to that but to add a further provision, "that whereby an illegitimate child, whose mother has predeceased him, dies intestate in respect of all or any of his property, his father, if he has been adjudged as such by an affiliation order, and if surviving, shall be entitled to any interest which he would have been entitled if the child had been born legitimate and he had been the only surviving parent". The Select Committee thought that since the Bill was seeking to grant to an illegitimate child certain interest and property upon the death of his affirmed father, that it would also be right and proper if the illegitimate child who had been affirmed as such died first that his property under certain circumstances should be such that there would be a right and interest in the father to such property.

I have explained, Mr. President, this as briefly as possible to explain the changes contained and recommended by the Select Committee, and I recommend the Third Reading - the adoption to the Honourable House.

MR. SPEAKER: The motion before the House is that a Bill entitled "The Succession (Amendment) Law, 1963" be read a third time and do pass. Does any Honourable Member wish to speak?

MR. BENSON O. SEARLE: Are we permitted at this time now, Mr. President, then to debate the issue?

MR. SPEAKER: You are permitted to speak if you wish, that is why I have invited you.

MR. BENSON O. SEARLE: Yes, Mr. President. Thank you. I would like to go on record as having opposed in committee the provision which altered the fifty percent of the estate to the surviving spouse on being absolute as rather being in trust. My reason for this is, that I believe that in many circumstances this can lead to inequities. There are provisions within the principal law, where if the income from the estate is insufficient then the surviving spouse can apply to the Court for remedies, he or she can also, with the consent of the other interested parties sell her interest. So I see where no hardships or injustice could have applied to the surviving spouse by having the provision that it was held in trust rather than being given absolutely to the surviving spouse.

I think that the proposed amendment transferring it absolutely can work hardships in certain instances on the issue of the surviving or the deceased person. Thank you.

MR. SPEAKER: Any other Honourable Member wish to speak?

HON. C. HAIG BODDEN: Mr. President, I would like to say that I cannot associate myself with the views put forward by the Third Member from West Bay. If a portion of the estate goes to the surviving spouse, I can

HON. G. FAIE ROBERTS(CONTINUING): see no reason why that portion should be tied up in a trust. I can understand a portion going to children being tied up in a trust, but certainly not for an adult beneficiary, the surviving spouse should have the right to take whatever he or she inherits and do with it whatever he or she likes.

If the person who is about to die or about to leave the estate considered that his surviving spouse is not a fit and proper person to receive any right from his estate, there is a remedy which that person can use, and that remedy is to make a will which could clearly set out in the special circumstances that whatever burden evolves upon the wife or the surviving husband could be shared up in whatever manner the person who left the estate desires.

The Succession Law is not to take care of special circumstances, the Succession Law is simply a law which decides in what manner an estate should be divided if the person leaving the estate had died without a will. So if there is a special case where, say, there may have been two or three different marriages producing two or three different sets of offspring by different parents, I can well see the concern of a person for the manner in which the estate would be distributed, and to prevent the offspring from the different marriages I could see the usefulness of a trust, but certainly this is a situation that the Succession Law cannot cope with. The Succession Law is not intended to deal with specific cases. If an individual is married and he has or she has any doubt about the distribution of his estate, and if that person has any doubt as to whether his offspring share or his spouse share would not be properly utilized after his death, that person has a remedy under the Law which allows him to make a will.

My contention is, that if a wife or husband inherits any part of the estate that person should definitely be allowed to inherit it and to do with it as that person thinks fit. Where there are minor children or children who might be physically or mentally incapacitated, definitely a trust to guarantee the proper administration of the estate would be in order, but this is not a matter for the Succession Law. A person finding himself in this situation has all the opportunity to make a will, and have a properly drawn will which will carry out his wishes such as the conclusion of a spouse. So I cannot support the previous speaker in his reasoning, and I think the Bill as approved by the majority of the Members present in the Select Committee is definitely an improvement upon the Succession Law which had been on the books for several years. I would say, that whenever special circumstances arise the Succession Law cannot legislate for specific cases, this should have to be taken care of by a will.

MR. PRESIDENT: Does any other Honourable Member wish to speak? If not, I will put the question that a Bill entitled "The Succession (Amendment) Law, 1988" be given a Third Reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Item 8(b) (ii), Select Committee Report on Dress Code.

THE LABOUR CODE SELECT COMMITTEE REPORT - LAID ON THE TABLE

MR. BENSON O. EBANKS: Mr. President, under Standing Order 72 subsection (5) I beg to present to the House the Report of the Select Committee appointed by the Assembly to examine and consider the desirability of further legislation etc., dealing with the subject of standard of decency of dress for persons in the Cayman Islands whether residents or visitors, and for making such recommendations in that behalf as the Committee may deem appropriate.

MR. NORMAN W. DONOVAN: Mr. President, I second the motion, Sir.

MR. PRESIDENT: The motion is that the Report of the Select Committee appointed by the Legislative Assembly to examine and consider the desirability of further legislation etc., dealing with standards of decency in dress for persons in the Cayman Islands whether residents or visitors, and for making such recommendations in that behalf as the Committee may deem appropriate, be laid on the Table.

Does any Honourable Member wish - worry.

MR. BENSON O. EBANKS: Yes, Sir, I would like to give the contents of the Report.

Mr. President, the committee was appointed on the 21st of June, 1983 as a result of the motion moved by the Third Elected Member for George Town, the Lady Member. At the first meeting of the committee on the 5th of July, 1983 I was elected Chairman of the committee, and the quorum was set at seven (7) members.

The committee held four meetings: the 5th of July, the 27th July, the 3rd of August and the 22nd of August, 1983. The minutes of those meetings are annexed. The committee recommends that standard of dress be included in a general information brochure which would also contain inter alia, traffic regulations, non-consumption of alcoholic beverages while driving, littering, natural resources, exchange rates, US and Caymanian dollar etc, and that following discussions and the consideration of a draft brochure produced by the Cayman Islands Law Society, that the format be accepted. A copy of that brochure, Mr. President, is attached to the Report.

The committee also further recommended that if the recommendations are adopted by the Legislative Assembly that it should be the responsibility of the Department of Tourism to have these brochures produced and distributed to all places used for tourist accommodation, so that one is kept at all times in each room, as well as circulated to travel agents, cruise ship companies, through their local agents and stocks maintained to supplement the demands. These brochures would also be circulated through the District Commissioner, Cayman Brac for the Lesser Islands.

Mr. President, I move that this Report and the recommendations contained therein be adopted by this Honourable House.

MR. PRESIDENT: The motion is that this Report and the recommendations contained therein be adopted by this Honourable House. Does any Member wish to speak? If not, I will put the motion.

QUESTION PUT: AGREED. REPORT AND RECOMMENDATIONS ADOPTED.

MR. PRESIDENT: Item 2(b) (iii), Select Committee Report - Display and Publications of Obscene and Indecent Matters.

DISPLAY AND PUBLICATION OF OBSCENE & INDECENT MATTERS AT CINEMAS ETC. (1) COMMITTEE REPORT - LAID ON THE TABLE

HON. MICHAEL V. BRADLEY: Mr. President, Sir, in accordance with the provisions of Standing Order 72 sub-order (6), I beg to present to the House the Report of the Select Committee which was appointed by the Legislative Assembly to study and make recommendations in relation to the display and publication of blasphemous, obscene and indecent matters at the cinemas, together with the minutes thereof.

In this particular case, Mr. President, Sir, as the recommendations are made in regard to legislation, which has not yet been drafted, I would propose, if it is seconded, then to briefly explain the contents of it as there will be no third reading stage of a

HON. MICHAEL J. BRADLEY (CONTINUING): Will to follow.

HON. D.H. PORTER: Mr. President, I second it, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, on the 26th June, 1992 a motion was passed by this Honourable House which read:-

> "WHEREAS public concern has been expressed in relation to the display and publication of obscene and indecent films and specifically a preview of an X-Rated movie at the showing of the film "Hiwuh" recently.
>
> NOW THEREFORE BE IT RESOLVED that this Honourable House do appoint a Select Committee consisting of all the Members of the Legislative Assembly to study and make recommendations in relation to the display and publication of blasphemous, obscene and indecent matters at cinemas".

At the first meeting of the Committee the Second Official Member had the honour to be appointed Chairman of the Committee, and it is in such Chairman, that I am making this Report.

The Select Committee held five meetings between the 11th of July and 17th of August, 1992. At the first meeting of the committee I,as Chairman, was asked to request any member of the general public who wished to submit representations on the matter before the committee. I conveyed this feeling of the Select Committee to the general public by way of a statement issued, which was issued to the media and which was published and relayed over Radio Cayman. As a result of those requests to submit representations, five representations were received, Mr. President, Sir. Of those five, two were anonymous and,the committee agreed that anonymous submissions should not be entertained, the other three submissions which were signed were entertained and considered by the committee.

The committee went on to make a number of recommendations, which I shall read out to this Honourable House, but in accordance with the provisions of Standing Orders there has been a Minority Report submitted by the Honourable Second and third Elected Members of the Executive Council, and this Minority Report .....

MR. BENSON O. EBANKS: Mr. President, I am wondering if the Member would countenance an interruption at this point, because I would require an explanation.

MR. PRESIDENT: Is the Member prepared to give way?

HON. MICHAEL J. BRADLEY: Certainly.

MR. BENSON O. EBANKS: The point, Mr. President, is merely that I noticed that on the minority report there are two signatures. According to my knowledge and according to the Minutes one of those Members attended the final meeting only, and there is no record in that meeting that the Member intended to submit a minority report, and I am wondering how the second signature appears?

HON. JAMES M. BODDEN: Mr. President, the Member is incorrect. The Chairman of that committee I am sure can confirm it, and I am sure that he will tell this Honourable House that in that meeting I declared that I would be joining along with the Honourable Truman Bodden in a Minority Report, and I stand subject to correction from the Honourable Attorney General.

MR. PRESIDENT: Let us divide the Member to continue with his speech and we will see what happens.

HON. MICHAEL J. PRADLEY: I am not quite sure whether I gave way to a point of order or a point of information, but no matter what it was, Mr. President, Sir, can I say that the Minutes of the fifth meeting record that the Honourable Truman M. Bodden intimated his desire to dissent from the Report stating he proposed to present a Minority Report to such effect, and that leave was granted to him to make a Minority Report under Standing Order 72 (4)(h). It is also my memory - though not recorded in the Minutes as presented, that there was a verbal indication by the Honourable Truman M. Bodden that he would wish to join with his colleague in such dissenting Minority Report.

However, Mr. President, Sir, that being so, I had got to the stage of informing the Honourable House that there was a Minority Report attached to the Report of the Majority of the Select Committee.

The Majority Report of the Select Committee made the following recommendations:-

(1) Cinemas do not show publicly any films which contain obscene scenes or words.

(2) Cinemas do not show publicly any films which contain indecent or profane scenes or words.

(3) Cinemas do not show publicly any films which contain blasphemous scenes or words.

(4) Cinemas do not show publicly films which contain indecent exposure of the human body which is similar to section 2 (k) of the Trade and Communication Law.

(5) That the following amendments be also made to the Cinematograph Law (Chapter 78)

The incorporation in it of the explanatory guide-lines of the United Motion Picture Association with the following restrictions -

(a) X-Rated films as rated by that association do not be shown in these Islands under any circumstances,

(b) That when such films are X-Rated by that association that no one under the age of 18 years be admitted under any circumstances, and persons of 16 and under 18 may view when accompanied by a parent or guardian.

(c) M-Rated movies - that no one under the age of 16 may view unless accompanied by a parent, guardian or other adult.

(d) G-Rated films persons over the age of 6 years to be admitted unaccompanied.

The other recommendations as to amendments to the Cinematography Law that were made were:-

(a) A prohibition on the showing of trailers of X-Rated films as either G or M-Rated films;

(b) Inclusion in the principal Law of the definition of "Obscene" and "Profane";

(c) That the fines at present provided in the Law be increased to present day values;

(d) That there be included a penalty for repeated offences by the cinema, resulting in loss of license;

HON. MICHAEL J. BRADLEY(CONTINUING):

(c) that all persons wishing to show films for gain or reward be licensed; and

(f) that provision be made that any person, body or organization desirous of showing films not rated by the MPAA (Motion Picture Association of America) should submit their application to the Chairman of the Authority - that is the authority under the Cinematograph Law, seven days prior to the meeting known", and unless the Chairman of the Authority exercises his right to see the films, they may, after such seven days, show it. And there is a further assumption, that the requirement regarding such prior notification of the showing of un-rated films should not apply to bona fide religious organizations, to service clubs or to Departments of Government.

That, Mr. President, Sir, briefly are the bones of the report which has been made by a majority of the Select Committee. There is a minority report attached thereto the report which is available for Honourable Members. Thank you, Mr. President.

MR. PRESIDENT: The motion is as I understand it was that the House do adopt the Report and endorse the recommendations made therein. Does any Honourable Member wish to speak? If not, I will put the motion.

QUESTION PUT: AGREED. REPORT AND RECOMMENDATIONS ADOPTED.

HON. CHARLES L. KIRKCONNELL: Mr. President, as it is approaching 11 o'clock I beg to move that under Standing Order 23(6) that my question No.18 be postponed to a later sitting.

MR. PRESIDENT: Agreed.

HON. HARRY S. KIRKCONNELL: Mr. President, as in accordance with the previous speaker, I beg that my question under Standing Order 23(2) be postponed until another sitting.

HON. NORMAN W. DODDS: Mr. President, under Standing Order 23(6) I wish to withdraw question No.17.

MR. PRESIDENT: I do not think 23(6) applies to withdrawals.

MR. NORMAN W. DODDS: Yes, Sir. My interpretation of 23(6) is, on the last line, that it applies to withdrawals.

MR. PRESIDENT: I am so sorry, you are quite right, I beg your pardon, I had not read it to the very end.

MR.BENSON O. EVANS: Mr. President, it appears that no questions are going to be asked unless there is an extension of question time, and I am wondering whether the House would not countenance an extension of time to permit the questions get down for today to be fully dealt with.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I feel that the Members on this side are eager and keen to answer the questions today, and perhaps it might be the wish of the House to have Standing Orders suspended for the purpose of allowing .....

MR. PRESIDENT: I wonder about that. If a Member wants to move the suspension of Standing Orders to enable us to have 20 minutes or half an hour for question time .....

HON. JAMES M. BROWN: Mr. President, I would so move that Standing Orders be suspended to allow us to deal with questions not down on the Order Paper today.

HON. MICHAEL J. BRADLEY: I think, Mr. President, Sir, we only need to move the suspension of Standing Order 23 sub-order (7) which relates to the time that we must finish, Sir.

MR. PRESIDENT: The motion is that Standing Order 23(7) be suspended in order to enable the questions not down on today's Order Paper to be answered today. Does any Honourable Member wish to speak?

QUESTION PUT: AGREED. STANDING ORDER 23(7) WAS SUSPENDED.

MR. PRESIDENT: I shall take it that the requests made by the First and Second Elected Members for the Lesser Islands now fall away, but the request made by the First Elected Member for George Town probably stands withdrawing the one question.

The Third Elected Member for West Bay, Question No. 14.

QUESTIONS.

THE THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT ON WHAT DAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER ANNOUNCEMENT FOR INTERNAL AND EXTERNAL AFFAIRS

No. 14. During February of this year an amnesty was granted to the public for the purpose of surrendering and/or applying to license firearms. Will the Member give details as to the number and particulars of firearms and ammunition surrendered to police during the said amnesty?

ANSWER:

Nine firearms were surrendered to the police during the period of amnesty. These were:-

(a) one (1) 12. Bore Shotgun Hopkins & Allen

(b) one (1) .22 Rifle Savage

(c) one (1) 9.mm Pistol Smith & Wesson

(d) one (1) .38 Revolver Hennington & Richardson

(e) one (1) Sten Sub Machine Gun Interdynamic

Accompanying these weapons were approximately 200 rounds of 9mm ammunition and 6 rounds of .38 ammunition.

SUPPLEMENTARIES:

MR. DENSON O. EBANKS: A supplementary, Mr. President. Will the Member state categorically that in accordance with the answer just given it would be untrue for a constituent of mine to have stated that during the amnesty he handed in a sawn off shotgun .22 gun to the Commissioner of Police?

HON. D.H. BROWN: Mr. President, I am not in a position to answer that, Sir, this was the information I sought and this is what I got.

MR. PRESIDENT: I think the Honourable Member must accept that by inference it would be untrue. That is to say, that the constituent, if he said that, would have been wrong; but if that was what you wanted

MR. PRESIDENT (CONTINUING): to establish in the first instance your question should have related directly to that.

MR. BENSON O. BANKS: Not basically, Sir, but I accept your explanation, and may be I could ask the Member, if following on your help, he would agree that if any other member of the public made such a statement it would also be untrue.

MR. PRESIDENT: I think you must draw your own inferences, if there is no further supplementary question I will invite the Third Elected Member for George Town to ask the next question.

THE THIRD NOMINATED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

Q.No.10. Would the Member state whether the yearly head tax for men up to sixty years of age is being collected by Government?

ANSWER:

Yes, the personal head tax is being collected for male persons between the ages of 18 and 60 years who are resident in these Islands.

SUPPLEMENTARIES:

MISS ANNIE H. BODDEN: A supplementary, Mr. President. From the records,are you satisfied, Sir, that all these men between these ages they are paying this amount as required by law?

HON. T.C. JEFFERSON: Mr. President, it would be wrong of me to say that I am satisfied, because I realise that from time to time people do under the country and they do leave the country, and in the past the Immigration Department we all know has had difficulty dealing with 400,000 visitors and what have you. I am satisfied in this respect that we are making all attempts to collect what is due Government.

MR. NORMAN W. BODDEN: Mr. President., could the Member state approximately how much revenue does this produce for Government annually?

HON. T.C. JEFFERSON: Yes, Mr. President, I can say. In 1961 it produced $8,985 dollars; in 1962 it produced $8,914.00 dollars. As of 29th of August, 1963 it has produced $7,804.00 dollars, and may I go on to add, Mr. President, that those male members who fall within the legal age of having to pay, if we find that back as far as 1960 that they have not paid, we will ask them.

MR. PRESIDENT: I hope all Honourable Members are up-to-date with their payments.

MR. BENSON O. BANKS: That was a question I wanted to ask as a supplementary, Mr. President, whether he was referring to Members of the Assembly or of the public? (LAUGHTER)

MR. NORMAN W. BODDEN: I can assure the House, Sir, that mine is up-to-date, and has been for the last fifteen years.

MR. PRESIDENT: But we are going back to 1960, I think. I will invite Honourable Members to examine their own consciences,and may be their personal tax receipts too.

Does any other Honourable Member wish to ask a further supplementary. If not, I will ask the Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.15. Will the Member state when the proposed new Customs House building will commence?

ANSWER:

There are no plans at the moment to construct a new Customs House building. However, plans are at hand to construct a multi-storey Port Authority building on the George Town wark. Customs will be allocated appropriate space in this proposed building. The date on which construction will commence is not yet known, but the approval of the General Planning Authority of the drawings has been sought. It is hoped that construction will begin next year.

MR. PRESIDENT: Does any Honourable Member wish to ask a supplementary question? If not, I will invite the Honourable Third Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.16. Will the Member state the total amount of fines imposed and collected in the Courts from drug cases for the period January to 31st August, 1983?

ANSWER:

The total amount of fines imposed for the period is $118448.87.

A breakdown is as follows:

(a) Fines collected	$88,885.00
(b) Sentence served in lieu of payment of fine:	2,000.00
(c) Fines imposed, but not due until end of sentence imposed.	212,050.00

SUPPLEMENTARY:

HON. BENSON O. EBANKS: A supplementary, Mr. President. Would the figure of $212,050.00 under (c) include fines imposed, but the cases not yet determined or cases not yet determined because of appeals?

HON. T.C. JENTRY-SON: The answer, Mr. President, is somewhat with the Acting Clerk of Courts this morning the answer to your question would be yes.

MR. PRESIDENT: If there is no further supplementary question, since question No.17 has been withdrawn by the First Elected Member George Town, I will ask the First Elected Member for the Sister Islands to ask the question standing in his name.

THE FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE SISTER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND SEAPORT.

NO.18 It is noted that Cayman Airways Limited is losing some $70,000 a month on the Inter-Island air service. Will the Member give detailed figures to substantiate the loss?

ANSWER

The loss experienced on the Inter-Island service during the year ended 30th June, 1968, was $521,737.87 and is substantiated by the Auditor's Report. During the period 1st of July, 1968 to 31st March, 1969, the loss amounted to $557721,128.00 and is substantiated by the unaudited analysis of loss from Price Waterhouse.

SUPPLEMENTARIES:

CAPT. C.L. KIRKCONNELL: A supplementary, Mr. President. Could the Member state whether the accounts of the Inter-Island service are lumped together with the operations of Cayman Airways Limited or are they kept separate?

HON. JAMES M. BODDEN: They are kept separate.

CAPT. C.L. KIRKCONNELL: A further supplementary, Mr. President. Could the Member state whether the maintenance staff at Owen Roberts Airport are being paid by the Inter-Island service?

HON. JAMES M. BODDEN: Most of the maintenance staff at Owen Roberts Airport are only qualified on the 748 and the Trislander.

CAPT. C.L. KIRKCONNELL: A further supplementary, Mr. President. Will the Member state what steps the company is taking in order to reduce this loss?

HON. JAMES M. BODDEN: Well, perhaps the best thing would be to cut the service out entirely, but as you are all aware, Mr. President, that cannot be done. So the Directors are actively pursuing methods now by which the service can be curtailed, and I am very hopeful that when it is curtailed we will not get questions then as to why we curtailed it.

CAPT. MARY E. KIRKCONNELL: Mr. President, a supplementary. Could the Member state what percentage of this loss was for maintenance of the 748?

HON. JAMES M. BODDEN: Maintenance cost was $668,637.00.

CAPT. C.L. KIRKCONNELL: Mr. President, would the Member consider up-grading and extending the facilities at Little Cayman in order to eliminate one aircraft on the Inter-Island run?

HON. JAMES M. BODDEN: Mr. President, consideration has been given to the matter in Little Cayman, but the Member who just asked the question is quite aware of the problems that exist in Little Cayman in regards to the ownership of the land on which the airstrip is located. That airstrip, to bring it into use for the 748 would require quite an expenditure of money, so therefore the alternative to it is, for Government to purchase additional acreage in Little Cayman on which to build another airstrip. First of all this land would be fairly expensive to purchase, and the building of an airstrip there again would be very expensive, so the question really is, whether we spend it on behalf of Cayman Airways and take a loss in operations, or whether we spend the added amount and build another airstrip in Little Cayman? I leave it to the House to contemplate the decision.

MR. BENSON O. EBANKS: A supplementary, Mr. President. Would the Member state whether it is possible to purchase one aircraft that could service both Islands?

HON. JAMES M. BODDEN: That is quite possible, Mr. President, if the Members are prepared to vote additional money to purchase another aircraft, I am sure we could find one that could do the job.

MR. CHAUNCEY FRANKE: Mr. President, one supplementary. Would the Member be thinking in terms before negotiating the purchase of another if we could find sale for the two small planes that are operating now?

HON. JAMES M. BODDEN: Mr. President, that has been keeping the minds of the Government very active.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for the Lesser Islands to ask the question standing in his name.

THE SECOND ELECTED MEMBER FOR THE TWO ELECTORAL DISTRICT OF THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO. 19. Would the Member state what arrangements are being made to continue air service Cayman Brac/Miami/Cayman Brac when the aircraft now servicing the route is withdrawn for inspection and repairs?

ANSWER:

During the period 6th to 25th September, 1968, when the EE 'Yin is withdrawn from service for inspection and repairs, passengers and cargo between Cayman Brac and Miami will be accommodated on flights through Grand Cayman. Extra flights will be scheduled as and when necessary.

SUPPLEMENTARY:

CAPT. HARRY S. KIRKCONNELL: Mr. President, a supplementary. Does the Member not think that when this service is suspended that accommodations for the return fare between Cayman Brac and Grand Cayman should be considered?

HON. JAMES M. BODDEN: Somehow, Mr. President, I lost the meaning of that question, and I wonder if the Member would repeat it.

CAPT. HARRY S. KIRKCONNELL: Yes, Mr. President. What I am saying, as you know there is a rate published from Cayman Brac to Miami, when you fly from Cayman Brac to Grand Cayman there is a return fare of CI$55.00 in addition to the rate from Grand Cayman to Miami.

HON. JAMES M. BODDEN: I am not sure really what the answer for that one would be, Mr. President, because we have only been dealing with it for the past few days, but I am sure that the Managing Director will see that no one is taken advantage of, and that people who travel through to Cayman Brac from Miami I am sure that the price probably from Miami to Grand Cayman will be the same as on to Cayman Brac. I am not certain, it is a point that I would have to take up with him, but anything can be foreseen in advance, particularly things of this nature, Sir.

MR. PRESIDENT: If there is no further supplementary question I would suggest this might be a convenient time to suspend proceedings for about fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Item 4 - Personal Explanation.

MR. BRANAN O. EBANKS: Mr. President, under Standing Order 31 I ask your leave to make a personal explanation.

MR. PRESIDENT: Leave granted.

MR. HERMAN O. FRANKS: Mr. President, having been misled by a newspaper article into believing that a breach of privilege had already been committed by another member, I inadvertently in a letter to the Caymanian Compass mentioned the fact that the committee studying the Succession (Amendment) Bill,1993 had recommend the payment under Section 2 thereof, in $60,000.00.

All Members know this matter had not yet been reported out of committee and are therefore privileged. It is my opinion that the breach of privilege is harmless, in that no member of the general public can benefit or suffer financially or otherwise thereby, nor can the Government suffer any loss of revenue or suffer any embarrassment thereby. Nevertheless, Mr. President, I offer my sincere apology to you and the Honourable Members of this House.

MR. PRESIDENT: Thank you.
Item 5. Government Business - Bills.

THE PRISONS (AMENDMENT) LAW, 1993

FIRST READING

CLERK: The Prisons (Amendment) Law, 1993.

MR. PRESIDENT: The Bill entitled "The Prisons (Amendment) Law, 1993" be deemed to have been read a first time and be set down for second reading.

SECOND READING

CLERK: The Prisons (Amendment) Law, 1993.

HON. O.T. FERGUSON: Mr. President, I move the Second Reading of a Bill entitled "The Prisons (Amendment) Law, 1993".

Mr. President, the object of the Bill is to amend the principal law so as clearly to empower the sending to Jamaica of convicted prisoners whether or not such prisoners have entered notice of appeal against their conviction or sentence.

Mr. President, that object mainly relates to Section 2 of the Bill, and it is my intention that when we go in committee stage I would like Sections 3 and 4 to be deleted. I am sure Members will approve the section which we propose for the amendment, and that the anniversary that was expected to take place today sure this will not - it will not be necessary anymore, and Members will sigh of relief.

Having said those few words, Sir, I recommend the Bill to Members.

MR. PRESIDENT: The motion is that the Prisons (Amendment) Bill, 1993 be given a second reading. The motion is open for debate. If there is no debate I shall put the question.

MR. BENSON O. WEBBER: Mr. President, I noted the remarks of the mover of the Bill, but I fail to see how he can expect controversy still not to reign and evolve around this Bill.

The Bill was published, sent to members, and obviously it was the intention to pass this Bill into Law or it would not have been printed and circulated. As far as I am concerned, Mr. President, the damage that can be done by the Bill has to a large extent already been done. In this day and age or at this point in time we have a lot about

MR. REGGIE O. EDWARDS (CONTINUING): what will cause instability within the country. And I would venture to say that there is nothing that could cause more lack of confidence in this country than the principle which are contained in this Bill: and that is primarily to take away from an individual or individuals rights which existed under legislation, particularly to seek to have the legislature overrule or make null and void decisions which might have already been reached in Court.

Now, Mr. President, in addition to the very serious implications of this type of legislation I have some very serious problems with the bill in its entirety, because according to the wording of the Bill and of amendments, (that is of the principal Bill and amendments) - which I have reviewed, it appears to me that a Section of law with which we are proposed to be dealing, in Section 8 of this Bill - (and that is Section 18 of the principal Law) - was repealed by Law 10 of 1951. Law 12 of 1981 was assented to by the then Governor on the 3rd of November, 1981 and published as Supplement No.1 with Gazette No.23 of 1981.

Mr. President, that amending Bill, that is Law 12 of 1981, was debated in this House in the Session on the 13th and 14th of October, 1981. At that time, if Members will refer to the Hansard, it will be clearly seen that at that point I indicated that the Bill as drafted would cause problems in future. In spite of my protestations the legal minds and the Ministers of Government as usual said that we are big thing it would be fine.

Now, Mr. President, as I understand it, by Section 33 of our Constitution, when the Governor assents to a Bill and has not given published any notice of disallowance from the Secretary of State the Bill has become Law. The Bill (15 of 1981) is a peculiar piece of legislation, in that it made provision that the Governor bringing the Bill into effect might appoint different days for different sections. I questioned at the time we were debating the Bill, whether when the Bill was brought into force or became Law it would in fact have within the order the dates on which the respective clauses would come into effect or whether subsequent orders would be made. My understanding is, Mr. President, that the Bill was assented to without any reservation and it is my argument that the Bill is therefore valid in its entirety.

Furthermore, Mr. President, by Supplement No.1 published with Gazette No.6 of 1982, which states Alphabetical Index of Current Laws and Regulations of the Cayman Islands at the 31st December, 1981', the amendment to which I am referring is listed as being one of the current Laws, and it is difficult for me to see how that Law is not in effect. I will expect that I will get some explanation to this at the Second Reading, and of course, I will have an opportunity to have a go when we go into committee at the respective clauses.

Mr. President, it seems to me that this Law need not have been before us at all. It appears to me that someone - and in this instance it would have been, I presume, His Excellency the Governor or someone acting in his capacity agreed a warrant which it appears turned out to have been made in error, possibly because of bad legal advice. Mr. President, we are all human beings and we are subject to make mistakes, and to me the honourable thing for anyone caught in this position to have done, was to have admitted that they made a mistake, wipe the egg from their face and all would have been well, but to wish to remove that egg by bringing to the Legislature retroactive legislation of this type is in my opinion unforgivable.

An example of what could have been done, and if necessarily under these circumstances need not have been done in the Legislature, but the last item on the agenda is a good example of someone being man enough to admit mistakes. It appears to me that this is all that was necessary to put this whole situation right, instead of that we are faced with legislation that seeks to make retroactive legislation to cover up errors committed. The principle is a bad principle.

MR. DERRON O. EBANKS (CONTINUING): to say it subtly. What is worse about this, Mr. President, we have certain wind bags who go around this country in public meetings talking about the bad laws that the Benson Banks Government made before 1970, but I challenge them to bring anything of this nature.

As I mentioned in my debate on Law 13 of 1981, I am aware that retroactive legislation is not novel, but it is repugnant when it seeks to deprive an individual or individuals of specific rights, and worse, when it is done to cover up mistakes.

Mr. President, in this very session we will be debating a motion asking Her Majesty to amend our Constitution, and in those motions we seek to preserve the right of those persons as the rights which any person might have under existing legislation at the time of coming into effect of the proposed amendments to our Constitution; and yet, here we are faced with a Bill that seeks to rob an individual of his rights under the law. I want to make it quite clear, Mr. President, that the individuals involved in this exercise has nothing to do with my stand on this Bill. It is the principle. What has happened to the principles of natural justice? The architects of this law, Mr. President, cannot run and hide. What confidence can people have in a Government that will pass legislation on the premise that Parliament is supreme to even take away the powers of the Court or powers that the Court had under legislation that would have been enacted before the coming into effect of this Law? It is a repugnant piece of legislation.

I do not know, Mr. President, I wish the mover had been a little bit more explicit on what is going to be proposed so far as amendments in the committee stage on this Bill, because it is difficult to deal with them until we get into committee. But because of the principle that is involved in the Bill as was published, I am going to need a lot of convincing before I support any of it. I think that the place for legislation like this is in the garbage can, and I still maintain that the remedy for whatever has happened is for someone to get up and admit that they did wrong and settle the matter in that fashion. If we sit here and condone this type of action it is not impossible that at the next session we will find legislation proposing to make marriages before 1960, since that seems to be a popular date, null and void or legislation to say that any building erected before 1960, if it does not accord with somebody's wishes will have to be demolished. I am saying that this Bill should not be sought to be amended it should be withdrawn, anyway be an apology to the public made for having the gall to bring such monstrous and repugnant legislation.

To get back to where I started, Mr. President. I will agree that I have been unable to find those numbers of orders that I was told would come with this 1981 amendment - that is 18 of 1981) - but there is no qualifying Bill that is here in big print, "I ASSENT", signed by the Governor on the 3rd of November, 1981, with - I do not know whether it is Royal Seal or large seal or whatever, but it says, "L.S." I guess it is Legal Seal or it may be a large seal) - and Section 28 of our Constitution says that "A Bill will be Law when it is assented to by the Governor unless it is later disallowed".

Finally, Mr. President, I am asking that it be recorded that it is the wish, at least of this Member, and I hope of many other Members in this House, that His Excellency the Governor not assent to this Bill in any form, and that should he assent to it, a copy of this Hansard be sent to the Secretary of State asking that the Bill be reserved for Her Majesty's pleasure and not assented to until she gives her permission. There is provision in our Constitution for that, Mr. President.

I am unable to see how the absence of an order can override publication of assent in its entirety to the Law

MR. DEREK O. EDWARDS (CONTINUED): published in the Gazette, and further strengthened by having it published as a current Law at the 31st December, 1981 in Supplement No.1 of Gazette No.6 of 1982. To be honest with you, Mr. President, if it was not that I wanted this session to finish reasonably quickly I could be here a long time talking about this piece of atrocious legislation. But I am going to reserve the rest of my comments for the committee stage to see exactly what is going to be proposed. I would expect in the winding up of the House on the Second Reading to have some clarification on the effects of Law 18 of 1981, having been assented to and published in the Gazette, and again, published as a current Law as at the 31st December, 1981 in Gazette No.6 of 1982. That is the crux of the matter as far as I can see with the section of the Bill which the mover said would remain, and with those comments, Mr. President, I reserve the rest of my comments to the committee stage.

CAPT. C.L. KIRKCONNELL: Mr. President, I have noted the remarks of the mover of this Bill and it is quite clear that the Government Bench are running for cover. Mr. President, I am afraid, it is too late, the damage had been done already.

This Bill, Mr. President, A Bill for a Law to amend The Prisons Law should not be before this Honourable House today. I agree with the submissions made by the Third Elected Member of West Bay, and will refrain from repeating what he has so ably put forward. As stated before, this Bill can only harm the country and bring our Legislative body into ill repute. It will affect the confidence and trust reposed in us, and will shake the solid foundation which has been built by our forefathers.

To bring retroactive legislation to this Honourable House is most unfair, particularly when it involves basic human rights. There have been retroactive legislation before, but the laws passed were to validate certain actions and procedures where through a genuine misunderstanding certain official actions were taken but such cases did not involve a flagrant breach of law, and the motion then was to safeguard the rights of the individual that might have been affected. This case is one where the opposite is true and the individuals are having affected, their rights are being taken away.

I feel, Mr. President, that this retrospective legislation is an ill-conceived decision which should have been avoided at all cost. It is quite obvious that snap decisions have been made instead of taking timely and cautious steps to solve the problem. Now, Mr. President instead of admitting a mistake, we of this Legislature are being asked to support and compound the problem further. I resent this, Mr. President. I am not a rubber stamp. I have never been one, and have no intentions of being one. I believe Government is wrong and it would be refreshing to hear them admit their mistakes rather than to attempt to cover up by pushing this legislation in the House today. This is not democratic legislation, and I am sure that this Honourable House is in breach of the United Nations Human Rights Charter by sending our prisoners to Honduras. I am sure, if this Bill is not withdrawn it will be challenged by the Secretary of State.

Mr. President, I deplore this Bill and will not support it under any circumstances. I thank you.

MR. NORMAN B. JACKSON: Mr. President, as the two previous speakers before me I too have some serious concerns, because in the beginning I have noted the amendments that are being made to the amendment by the mover of this Bill. It refers to Section 16 of the principal Law, which I too thought had been repealed in 1981, and I am sure that the mover will be able to perhaps explain this thoroughly at committee stage. I distinctly recall when this Section 16 was being dealt with how I spoke on this section and said, "I was pleased to see that provision was being made to keep our prisoners here, and that it would no longer be necessary to send them to Honduras". So I would find difficulty in supporting this as well.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, since this is the third Member who appears uncertain as to the effects of Laws passed previously, I would like if Members so wish under Standing Order 34(1) and (2) to offer an explanation as to what I consider the effects of the Laws previously passed are, because it may assist Members. Of course, my interpretation of what I consider the effects are may of course be fallible and I may make a mistake in it, but all I could do is try and assist the House by giving them my interpretation of what is the difference between a Law having been made and the Law coming into operation, and I think this is the kernel of the matter.

MR. PRESIDENT: Is the Member prepared to give way?

MR. NORMAN W. BODDEN: Yes, Mr. President, I will give way and will appreciate an explanation at this stage from the Honourable Member.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I thank the Honourable Member.

Having hastily gotkenod my papers together here, Mr. President, Sir, what I would like to point out to Members of the House is that under Section 39(1) of the Constitution a Bill shall not become a Law until the Governor has assented to it an certain other provisions. If that is read, together with our Interpretation Law (Cap.70), in Section 15 of that Law, it says, "Every Law shall, unless it is otherwise therein expressly provided, come into operation on the date of the publication of the notification of assent, and the date on which a Law comes into operation, whether under the provisions of this section or according to the expressed provisions contained in the Law, shall be written on the original of the Law".

The Prisons Law was amended in 1971, Sir, and there were expressed provisions contained in the first section of that Law as to how and when each and every section of that amending Law shall come into operation. The situation is that no such proclamation bringing any section into operation has been made, and the provision was deliberately put in that Law to give flexibility to the bringing into force of that Law. The position is this amending Law is as Members have said, a Law that has been passed by this House, that has been assented to by Your Excellency the Governor and is a Law of this territory. It is a Law of this territory, but it is a Law, as I understand it, that does not come into operation, that has not got no force until a proclamation is made bringing either it all in or the particular sections of it in. Members are correct in saying it is a Law, it is a Law but it is not a Law which is in operation yet.

MR. NORMAN W. BODDEN: Mr. President, I would like to thank the Honourable Member for the explanation, and I think that that satisfies me to a certain extent. However, I would like to continue because I am fully aware that the retroactive portion of this Bill is intended for it to be withdrawn, but I like other Members feel that there has been considerable upset and concern caused by this Bill and I would like to comment on the Bill in the entirety as well.

Mr. President, I feel that retroactive may be good news, but retroactive legislation has to be bad news in any man's language. Regardless of the legal and technical arguments that can be put forward to justify this type of legislation, I cannot support anything that threatens or tends to threaten or appears to threaten the democratic freedom of which we in these Islands are so often prone to boast. What has happened, as has been stated by one of the speakers before me, to the basic principles of justice must not only appear to be done but must be done, and also the serious separation of powers? Are these really principles in which we live and move and have our being or are these in fact merely

Mr. NORMAN W. SCHREIBER(CONTINUING): pleasant sounding phrases? I fully realize that amendments to any law from time to time are necessary, but these should never be prompted to enact a specific act of circumstance nor to unreasonably correct irregularities.

Mr. President, the portion that I really found unpalatable was in Section 4, which is being withdrawn, that deals with the validity and indemnity of warrants where it relates to appeals to our courts. Any legislation which tends to temper with the power of the court is frightening to say the least, and with all due respect to all concerned, Mr. President, in my opinion this Bill reeks of a typical banana republic tactic and I therefore cannot give it my support in any form. Thank you.

MISS ANNIE H. BODDEN: Mr. President, Sir, I might as well state the truth from the outset, and it is this, that I oppose this Bill in its entirety. I feel, Sir, that any of we can make mistakes but we should be men and women enough to admit the mistakes and not to try to cover them up by having legislation brought before this House to cover up a wrong doing.

I feel, Sir, that we as a Democratic country must maintain the right to protect all human beings that need protection within the Law whether they are from Hong Kong, India, Jamaica or anywhere, they have to have our protection. As I see this Bill, it is like how been said by the previous speakers, it should be stamped, it is not fit to be brought before honourable people who really respect the rights of other people. Just imagine having retrospective legislation to take away the rights of human beings, but for the grace of God we would all be in Northward Prison, but for the grace of God, because I am very sure have that there is not a human being on this Island or elsewhere in the world who has not sinned and some shame, the only thing is this, that some people are fortunate enough to have people to cover up their wrong doings.

For instance, I am a lone woman, I have been threatened, I had to take it with christian fortitude, take it to the Lord in prayer but had my enemies had their way they would have come to my old house or yard, thrown two sticks of gunga on my porch or planted it in my car, and next morning two people testify, by they affidavit of the law or not, they saw such and such material in Annie Bodden's property of which she is responsible. I would be arrested up at Northward Prison, the next day brought to court, I plead innocent, but the Officer in charge might, might I said, not that he would, he might, say "Well, these witnesses are truthful we will hail Annie Bodden and send her to Prison. Now I am saying that is not correct, and the worse and most awful part of it is, to take the liberty from a human being to apply to the court for any redress.

At when we marched in 1979 we had a slogan, "We are not in the Congo", are we in the Congo now? Because I am sure it must be only that legislation would prevail in such a place.

Mr. President, I feel, and I have always understood that the Administrative Department was one and the Judicial another, and for any of we under the guise of which I do not know, go and take away the jurisdiction from the Courts, why not close up the Court House and turn it into a cinema, in the middle of George Town in competition to the Ottawa, why not do that, rather we are going to take away the rights of the Judge. It is an insult to our Judges. Of all the Honourable Judges that we have had, for us to come here and make legislation in which the Judge would have no power to interfere. I really must say this, that I do not believe it is the brain works of whoever drafted it, I believe this must be outside influence

MISS ANNIE H. HOWARD(CONTINUING): to which they had listened, and this is a first step towards communism. I shall sit here in this Assembly Building if it be for another seventy-five years and I will not support one word in such a Law, and this, I make it abundantly clear will not have my support. Thank you.

MR. G. HAIG BODDEN: Mr. President, the Bill before us sought three amendments to the Prisons Law. The mover of the Bill indicated that he will, if the House agrees, withdraw two of those amendments leaving only one portion of the Bill to be dealt with. Yet we have heard a lot of debate on the withdrawal of Clauses 3 and 4 of the Bill. The Members must be most aware Clauses withdrawn from the Bill, but they seem to have gone to great length to debate the withdrawal of these sections, which is a rather surprising move.

The Member has said he will withdraw Section 3 which deals with retrospective legislation, and yet many speakers who so opposed at first wanted those very sections withdrawn are continuing to argue despite the withdrawal. Retrospective legislation is not unknown, particularly not in the Cayman Islands. If the legislation passed by this Government is examined many instances have been found in the past where laws are back-dated or made retroactive and retrospective. The purpose of retrospective legislation is well known. The Constitution and the Interpretation Law both make provision for it, in that a law, while normally could come into effect on the day of its assent by the Governor and its publication. It can also come into effect at any time either in the past or in the future if the Bill makes a specific provision for the coming into operation of the Bill.

The amendment to the Prisons Law in 1981, which has been discussed was an example of a law that would come into operation, not on the day of assent but on other days to be proclaimed later, and realizing from the reason for this. A new prison had been built, we had never had a prison before other than the lock-up premises. All of the prisoners serving sentences of six months or more had surround those sentences in Jamaica, and the amendment to the Law probably had in mind that the transition from a Jamaican prison to a Cayman prison would take place over many years. The buildings up at Northward were contemplated in certain stages over a length of time, and in fact now still in the process of being constructed, and so it was necessary that the Prison Law which made provision for the transition of the incarceration in Cayman rather than in Jamaica would have to take place over a lengthy period.

The Member moving the Bill has clearly stated that he will not push for this particular Bill to be effective on the first day of August, and by striking that section out will allow the Bill to become Law whenever it passes through the usual process. Section 4 which deals with actions that may have taken place in the past is another Section which the mover has said he is willing to delete from the Bill. I would like to hear the reasons why there is such a long debate when the Member has stated these sections will be removed from the Bill.

The use of retrospective legislation serves many purposes, in that it can clear any any doubt which may have existed with regards to the interpretation of a particular statue, so all countries make provision for retrospective legislation. I do not feel that it should be abused, but certainly there is a place for it, and furthermore I would say, that in the Cayman Islands as well as in many countries close to us as far as crime is concerned we are passing through a very perilous stage in which it is necessary for the Government of today, if it is a Government, to be strong and active and vigorous in their implementation of laws which become necessary because of certain conditions which have arisen which had not previously existed. I think that the Elected Members of Government and the Elected Members of the Legislature would be failing in their responsibility to the public who elected them if they did not

HON. G. HAIG BODDEN (CONTINUING): take the strong action that is necessary to deal with criminal activity in these Islands.

The second section of the Bill is the only part that will remain together with the first section which simply gives the title. The second Clause of this Bill simply deals with an administrative matter, and that is the sending of convicted persons to serve their sentences in Jamaica. Under the Prisons Law as it stands there is implicit authority for the Governor to send prisoners to Jamaica. The section in the law perhaps clouds the issue a little and that is why it is necessary for an amendment to be made.

... the law as I remember it, provided that when a person is convicted he goes to the prison and he can do one of two things; he can either start serving his sentence on the day that he arrives at the prison or if he has appealed against his conviction he can either start serving the sentence on that day or he can await the outcome of his conviction, and if he is still convicted would start serving the sentence on the day that the appeal had been dealt with. This section, Clause 2 of the Law simply clears up an administration matter as to whether the Governor can send a prisoner to Jamaica if an appeal is pending, this is not a matter of taking away human rights from a person. My understanding of the British System of justice is that a person is innocent until he is proven guilty. However, when he is proven guilty by a Court he is guilty and he is held in custody if the crime so warrants until an appeal is heard and he is either acquitted. So the question of sending a prisoner to Jamaica is an administrative matter to be decided upon by the Governor, perhaps in consultation with the Prisons' Authorities.

Everyone here is quite familiar with the prison's system in the Cayman Islands. We had a prison which had something like six cells, it did not have adequate accommodation for long-term prisoners. This Government many years ago, probably fifty or a hundred years ago .....

MR. PRESIDENT: May I interrupt. Will the Member be speaking for a substantial further period or are you near the end of your speech?

HON. G. HAIG BODDEN: I will be a much longer time, Mr. President.

MR. PRESIDENT: I think it may be best now, if you will forgive me for interrupting you, be convenient for Members to take lunch now. I thought perhaps your remark might be quite short and we could finish it before. If that suits Members I think we will break now and I will suspend proceedings until 2:30 P.M.

HON. D.H. FOSTER: 2:30 P.M., Sir.

MR. PRESIDENT: 2.30 P.M.? I think I saw move made for 2:30 P.M. I will suspend proceedings until 2:30 P.M.

HOUSE SUSPENDED AT 12:30 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated.

HON. G. HAIG BODDEN: Mr. President, before we adjourned for lunch I had been speaking on Clause of the amending Bill which if passed by the House will clear up the ambiguity which may have existed under the old law, and this Clause will make it crystal clear that the Governor may send to Jamaica any prisoners who are convicted whether that person's case is on appeal or not. So my mind there is a clear line between the Government's policy of sending prisoners to Jamaica, and the Governor's obligation under the statue with regards to the execution of sentences for the sending of prisoners abroad.

HON. C. MAIS BODDEN(CONTINUING):I had alerted to touch on the reasons for the policy. When the prison was built at the time it was felt it would be more humane if local prisoners could serve their sentences in the Islands, and this was the main reason for the construction of a prison. However, at the same time it was realised that the prison block was under construction would not have sufficient space to accommodate all prisoners, and perhaps that was one of the reasons for the 1961 amendment to the Prisons Law, and this 1961 provision or amendment actually obtained a provision whereby the Governor could continue to send prisoners to Jamaica. If I am allowed to quote from it, Clause 6, whereby Section 16 of the Law was amended, in the little (3) it reads:- "The Governor, on being satisfied that adequate provision has been made in the Islands for the detention of all convicted prisoners, and (b) there is no further need for any convicted prisoner to be transferred to Jamaica under subsection (1), may repeal this section by order". So this clearly shows that the Legislative Assembly at that time realised that probably for many years to come we would have a situation where there would be a need to transfer prisoners to Jamaica.

It is no secret that the prison which has been built is full, I understand that it is no longer able to put one prisoner in a cell, and that we now have to put in some cases more than one prisoner in a cell. There are other reasons why it may be necessary to transfer prisoners, one of them is, that in the case, any of Jamaican prisoners it is considered more humane for them to be sent to Jamaica where they would have their families and friends, and of course there could be other reasons. The prison itself, it has been shown is not a very secure prison, there have been a few escapes and if it were thought from a security point of view that a prisoner should be sent to a more secure place there is provision in the Law already existing for this to be done. So the Governor's function in signing a warrant for the sending of a prisoner to serve his time in Jamaica is merely an administrative act under this particular Article. The policy as to whether certain prisoners would go to Jamaica was established in this Legislative Assembly many years ago. In fact I remember a debate here, and the conclusion proposed was that in future no local prisoners would be sent to Jamaica providing there was adequate accommodation here".

I was surprised this morning to hear a Member or Members expounding on the fact that this law might simply be an attempt to cover up an irregularity where the Governor may have signed the warrant to send somebody to Jamaica when it appeared that there was not sufficient legal authority for him to do so. This has not been the case, if the Governor has signed a warrant to send any prisoner to Jamaica I would think that there can be found sufficient legislative authority given in this House for the Governor so to act.

The section Clause 4, which we are dealing with, simply attempts to clarify that any prisoner, whether he went to an appeal or not, would be considered for purposes of being confined to the prison would be considered a convicted person who could, if the Governor so wished, serve his sentence in Jamaica. The opening line should leave no doubt in anybody's mind that this is the case. "Where any convicted person has appealed against conviction or sentence, whether or not he was elected to commence his sentence pending appeal in accordance with paragraph (a) of subsection (1) or has elected to retain his status as a prisoner awaiting bail in accordance with the provisions of paragraph (b) of subsection (1), and such convicted prisoner would, if he had not so appealed, have been sent to serve his sentence in Jamaica in accordance with the provisions of section 16, it shall be lawful for the Governor, at any time after such appeal has been made or filed, to send such person, if male to any of the District Prisons and if a female to the General Penitentiary in Jamaica, by warrant under his hand to serve sentence pending his appeal or to be detained in custody as a prisoner on remand

HON. G. HALE SOOTHE (CONTINUING): pending such appeal as the said may be and to remain in Jamaica until he has served his sentence or until his appeal against sentence has been finally upheld and whilst so detained in Jamaica he shall, if he has elected to commence his sentence pending his appeal, be treated in all aspects as if a sentence of hard labour had been imposed by a court of competent jurisdiction in Jamaica or, if he has elected to retain his status as a prisoner awaiting trial, to be treated in all respects as if he were a prisoner on remand under an order of a court of competent jurisdiction in Jamaica; and such order shall also provide for the return of such person to the Island after he has served his sentence or if his appeal against conviction or sentence is successful".

The amending Law does not seek to cover up any irregularity which the Governor may have committed in signing a warrant. The amending Law simply seeks to clarify that a prisoner regardless of his status, once he has been convicted and once the Court has imposed a sentence of incarceration on him or her that person once he is convicted regardless of whether he appeals or not can now under this amendment be sent to a prison in Jamaica. Whether this amendment had been made or not the old Law in itself would have enabled the Governor to sign a warrant to send a convicted person to Jamaica regardless of whether the case had been appealed or not, but this section simply clarifies the question of doubt which could arise in anyone's mind.

As this is the only section of the Bill which is left for consideration, I must close by saying that I fully support it because I think it is the duty of the Legislative Assembly to close any loop-hole which may arise in a law and to clarify any ambiguous section, and to remove from the Law the question of doubt which could always arise in the minds of the Courts whose business it is to interpret the Law. The other two sections have been removed from the Bill, and whether I would have supported them had they remained is a question which I am not asked to answer, since it has been made clear that these sections will be removed.

CAPT. HENRY S. MCNEILL: Mr. President, this Bill, a Bill for a Law to amend the Prisons Law has given me great concern from the time I first read it, such as much that I consulted the most prominent members of my constituency who share my concern of retroactive legislation and other matters within the Bill.

I wish to thank the Honourable mover for his statement when he introduced the Bill, that he will present a motion in the committee stage to delete sections 3 and 4, this certainly is a step in my opinion in the right direction. Although I am here to defend justice on each and every side I feel that I need further explanation to section 2. I am grateful to the Honourable second Official Member for his explanation of Section 16, and it is my hope that in the committee stage this will be further explained at which time I will make a decision on Section 2, but as of this time, Sir, I am unable to support this Bill in its entirety.

MR. CRADDOCK FRANKS: Mr. President, without doubt every human being is afflicted with mistakes.

It has been said on many occasions, it is better if some people had not been born, probably that might apply to me as well.

The proposed amendment that we have before us on the Prisons Law, I do not see, Mr. President, the full reason or justification for it being here. We have people here to investigate corruption, and I would not like for it to be brought into this Honourable House.

MR. CRADDOCK BRANSCOMBE(CONTINUING): Mr. President, the Law provides that you, Sir, can call an emergency meeting of this Honourable House at any hour at any time; and for the purpose of this amendment I feel that if you had called the House in a private sitting or in a committee and propose the Elected Members what you feel you would like or expressed what you would be justified to do, you would have got the views and the feelings of the committee of the Elected Members, and they would have known something about it before it went on the street. I am not prepared to hide anything from the electorate.

A man should retract on his sins and not the Laws, because if he starts to retract on the Laws that have been passed and try to involve, to cover, or to bring in, I do not think, Sir, it is the right procedure or in other words it does not seem to be the continuation of a good clean Government.

It is already in the Law, Sir, that you can send prisoners to Jamaica, then for whatever reason that you felt, or this Government felt, that some other or another measure should be taken for a particular reason, then I am saying, Sir, that you could have contacted the Elected Members and we would have put our shoulders together to see what might have been possible to be done about it. But like so many things, so many times, certain decisions are taken first and then the Elected Members are expected to put the white-wash mark on it, and say, yes, it is alright.

In this proposed amendment, which I am not attempting to tie the two of them together at all, but we have another amendment to another Law, a retroactive one, to go back for a year to cover up somebody's else again, and I do not intend to lend to any of these things... I have been put here by the populace of this country with the approval of my family and it is the populace and the approval of my family to be voted out, but I am here to speak the dictates of my mind what I feel is fair for the benefit of the people of this country.

This country, this Government, like as many other countries all over the world and so many other Governments, too much leniency is given to criminals. Any man who does not want to go to jail should walk the side-walks and not go across the street, then he will not get into trouble.

I am not going to make my debate on this lengthy, Mr. President, because we are going into committee stage with it and I will have the opportunity to go over and over questions on it and make further comments if I so desire of what I feel. With what the mover has said, well, he is trying to remove the fire, but the heat is still left there. Now, it had no business being brought here to begin with as I said, Sir, and if I cannot go all the way with something I am not going to go half way, it is all the way or not at all. So with these few comments, Sir, I will wait until it comes to the committee stage, and then I suppose if we have a coffee break I will catch a breath, go in, and see where we go from there, Sir. I thank you.

MR. GARSTON J. SMITH: Mr. President, I have listened very carefully to the debate on this amendment before this Honourable House today, so I will promise you, Sir, that I will not be long as long as some Members have been.

Mr. President, I support many of the views expressed on this side of the House by Honourable Members, and I endorse them wholeheartedly. In fact, Mr. President, I was sent on mission to inspect the prisoners we had there at that time and I found the conditions there as bad that I recommended to the Honourable House by bringing a motion requesting that we discontinue sending our prisoners to Jamaica. At that time, Mr. President, that was supported by the whole House sitting

MR. GEARTON A. SMITH (CONTINUING): here at that time, including some of the Members sitting here in this House today. Now, today we are being asked to make an amendment to send these prisoners back to Jamaica.

Mr. President, I would be a crazy man to support this amendment before us here today. What I would support, Mr. President, is that we have a tighter security at our own prison here in Cayman, give the guards that have been hollering so long some ammunition or something to protect themselves when we run into these circumstances that we have - these kind of prisoners. I think this would appreciated much more by the public.

As I see it, Mr. President, no distinction has been made at all between our Cayman prisoners and prisoners or nationals of other countries. Had this been so, Mr. President, I probably would have had some support for this amendment, because I feel, Sir, whether they be Jamaicans, whether they be Cubans or whoever they are, and they come to this country and get in these big problems I think they should be sent off when they are convicted, but the amendment, Mr. President, as it stands, it includes our own prisoners as well.

So, Mr. President, with those few remarks -(I will have some more to say when we get into committee stage)- I will close. I thank you very much, Sir.

HON. JAMES M. BODDEN: Mr. President, I cannot but say that listening to some of this debate today in regards to this Bill has surprised me, and I say surprised, because there was a proposed amendment that could have been considered at this time. The Member that is piloting the Bill in the introduction stated that those proposed amendments were being withdrawn. Now in my opinion if they are going to be withdrawn from the Bill, he has so stated and asked for it to go to a committee, that at the committee stage that is the time for discussion. It appears to me that it is only an attempt to mud-sling at this point to raise the objections that I have heard raised in regards to this Bill.

One Member said that the Government Bench was running for cover and another one said, to mount up ammunition. Well, if there are fine attached to this or another Bill I am aware of what these fine could be. It is true, I think that a problem raised its head, I think the problem has been attended to, and I was hopeful that the Members would have seen the presentation of this Bill in that respect.

We have sent prisoners to Jamaica for many, many years and I have heard but little outcry from some of the Members of this House in the past when people were sent to Jamaica to serve their convicted sentences, and it does surprise me that all of a sudden because some particular people have been sent to Jamaica that there is such a hue and cry in the newspapers as well as in the sanctified halls of this building. It gives me room to think.

One Member I think said that he was worried about that we may be committing a breach of the United Nations Charter or something of that respect. Well, again, Mr. President, I fail to see where that could apply. It is a common custom in many countries of the world today that instead of keeping convicted prisoners from another country into the territory in which they are convicted, that they are allowed to serve their sentences in the country of their birth. We have for many years pursued the policy that on long termed prison sentences or sometime that they would be returned to Jamaica to serve their sentence, and when this has happened in the past I have not heard anything about it. It is only, I think, being brought to the attention here this time because certain nationals of another country was included into the Jamaican group that was sent to Jamaica. Some of these were sentenced to fairly long terms in prison, there could have been security reasons why it was best for them to go to Jamaica. In the particular trade in which some of these people were sentenced there are usually violent fall breaks and

HON. JAMES M. BODDEN (CONTINUING): so forth that take place in other countries, and it is not unforeseen that the same thing could have happened here. So really I am at a loss, other than for the mere sake of using this for political help to hear some of the things said that I have heard said in the debating of this Bill.

It is again peculiar, Mr. President, that the hue and cry associated with the presentation of this Bill follows on the footsteps of the abortive political meetings that have been staged. The meeting that was taken place with the people, and all of that has only surfaced since a certain date has been presented to the Courts. One cannot help but wonder whether there is a thread inter-woven between the different things. I am shocked to hear the opposition that has been heralded at Government in respect to sending these long-term prisoners to Jamaica.

I am aware also that the prison conditions in Jamaica are not as good as we have in Cayman, but the idea in building the prison in Cayman was to take care of our Caymanian prisoners and not to have an overflow of prisoners from other countries. Frankly, Mr. President, whether they say it is wrong or not I fully support the move in sending long-term prison sentences to Jamaica. I fully support it also in the case of people who could really mean additional trouble in the community. We could wake up under certain circumstances and find out that we have had a prison break staged by people from abroad in which some of our guards could be killed or some of the other prisoners could be killed, and that would be on my mind a serious blot on the record of this country, and if we can stop such things from happening then I feel it is our duty, Mr. President, to do so.

I too would not feel too well about legislation being adopted to legalise something that was done in the past, but I think the Members would have waited a bit longer and have heard more about the reason this was being done. And is this being withdrawn, and again I state, Mr. President, I really see no reason to debate a Bill that is being withdrawn, I think it is unnecessary, and I was surprised to hear the tone of the debate. Thank you, Sir.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I normally shy and abhor a policy that unless I, in fact, am the proposer of a Bill, that I do not intervene in the debate other than in the committee stage.

In relation to the Bill at present before this Honourable Assembly, I think that it would do no harm for Honourable Members to retrace the events and the timing of what in fact happened in this last month. There was a decision made whereby the powers that had been contained in the Prisons Law were exercised by His Excellency the Governor to make an order under Section 16 of the Prisons Law whereby a number of prisoners were transferred under the provisions of that law to Jamaica.

My understanding, Mr. President, Sir, that I have not been here all that time was, that before Northward Prison was built, when there was nothing more than a simple lock-up here, that the provisions of Section 16 of the Prisons Law were used to send prisoners to Jamaica to serve their sentences, to send prisoners to Jamaica who had not been granted Bail whether or not such prisoners had appealed. And in the case of prisoners who had appealed to bring them back timeously for, when required by the Court, the hearing of their appeal. That was my understanding of the practice that had been carried on in these Islands for many many years. It was under the provisions of that law that orders were made in respect of, at this time an unusual number of prisoners for reasons of security and of the overcrowding in the prison.

At that time before the prisoners were actually escorted from this jurisdiction, there was in respect of several prisoners an unsuccessful application made to the Court for an injunction to restrain. There was, before the prisoners had gone, a notice of intention to move a motion before the Court in that regard, those events were four weeks ago.

HON. MICHAEL J. MANLEY (CONTINUING): Honourable Members of this House have repeatedly said that they would like, when possible, for Bills to be presented to them as soon as possible so that they would have much time to consider the Bills, to consider the matters in them, rather than having Bills brought in under the suspension of Standing Orders. They would prefer Bills to be published and that they prefer the widest publicity given to them. Because of the doubt that had been raised for the first time over the relation to the powers under Section 13, and because of various other aspects, which I will not go into it too deeply here, it was considered prudent by the Government to do two things, to clarify the situation in relation to prisoners who were prisoners who had entered notice of appeal, whether they had elected to continue serving their sentences or whether they had elected to be conditionally at prisoners or remand, so the time spent on remand did not count. For that reason the Bill was introduced with a Clause providing that the matter, if it was in doubt, be put beyond all doubt, namely the power to transfer prisoners who were the subject of appeals to Jamaica until their appeal was successful or until their sentence had been reduced or removed.

The part of the Bill which my Honourable friend is now, and has announced his intention to withdraw, was put in some three weeks ago, because at that time out of abundant caution it was not known whether the situation was such that we would need to explain more fully to the House that those provisions in particular circumstances were necessary. As it turns out in hindsight those provisions need not have been included at all, it is for that reason, not because of Government by the media or because Government has felt that they have done anything irregular, (because they do not consider they have done anything irregular), they consider that they are clarifying a point in the Law which was generally understood and would now for the first time have been open to question. It is for those reasons that the provisions regarding what has been called retrospection, and it is not really retrospection, Mr. President, Sir, because there are two classes of enactments of this kind.

A statute to be deemed to be retrospective, and I am reading from one the standard text books Dentan and Statute Law, is one which takes away or impairs any vested right acquired under existing Laws or creates a new obligation or imposes a new duty. It could be more properly called an ex post facto matter and an ex post facto statute is one that differs from a retrospective one and without going into any details, this concept of an ex post facto statute is to declare that something is the law if there is in any way a doubt attached to whether it is or not.

My Honourable friend endorsed at the very beginning that he proposed at committee stage to withdraw clauses 3 and 4. I understand that is still his intention, that being so, the Bill will consist merely of the Short title and the amendment to Section 32 of the Law which will clarify the point which has been thought concerned by this jurisdiction to send prisoners to Jamaica who are convicted prisoners, and I cannot emphasise enough that there is a distinction between a person who has not been convicted and a convicted person. The present section 16 refers therefore to convicted persons, to send such convicted persons to Jamaica whether or not they have entered such notice of appeal. And the provisions, if Members were to read it, goes on to provide that they shall there, if they have elected to return their status as a prisoner awaiting trial, be treated in all respects as if they were a prisoner on remand or under an order of a competent court of jurisdiction in Jamaica. The new clause which it is sought to put in provision for the return of such persons to the Islands, either after they have served their sentences or if their appeal against sentence is upheld, or if completion is allowed.

That being so, Mr. President, Sir, in no way are we attempting in this to do anything but clarify the Law to make it explicitly clear that a person may be sent to Jamaica after completion because he is a convicted person. The problem did not arise before because this point was never made before, the point has now been made and I think

HON. MICHAEL J. BRADLEY(CONTINUING): it is the obligation and duty of this House under the Government to clarify it. And I would urge that all Members support the Bill in its truncated form of two sections, otherwise if they oppose the Bill in its present form they will be saying that they uphold and support the principle, that merely because a person has appealed from though that person has not been granted bail, even though that person is in custody, that that person should be entitled to remain on that bail even though the time until the appeal take months. I urge Members to support the Bill.

HON. D.N. MORTON: Mr. President, I do not want to prolong the debate, Sir, it has lasted much too long in my estimation. If I had thought what it was going to take so long I would never have said that I had intended to ask for the deletion of the two clauses, and that was the purpose of passing that on with the hope that the debate would have been virtually nothing.

Nevertheless, Sir, I would like to thank the Second Official Member and other Members on the Government Bench who have gone all out to clarify certain matters, and I do not intend to go over all of these. I would just like to remind Members who should well remember the condition that existed in Jamaica when we decided to do our own prison, and we had to do the 1901 Law before the prison was actually constructed, if my memory serves me right, Sir, so that we could have it, we could bring in the parts of that legislation as found necessary by order. Mr. Speaker should remember that very clearly.

Nevertheless, Sir, be all of this as it may, everybody has had their say on it, and it is still my intention in committee stage to ask for the deletion of sections 3 and 4. I would hope to know that Members oppose the Short Title and Clause 2, and I would now ask Members, Sir, to think over it very carefully and when we go in committee stage let us not waste too much time over it. Thank you, Sir.

MR. PRESIDENT: The motion is that a Bill entitled "The Prisons (Amendment) Law, 1962" be given a second reading.

QUESTION PUT: AYES AND NOES. THE AYES HAVE IT.

MR. BENSON O. BLAKE: Could we have a division, Sir?

DIVISION

AYES	NOES
Hon. D.N. Foster	Mr. Clinton J. Smith
Hon. Michael J. Bradley	Mr. Benson O. Blake
Hon. Thomas C. Jefferson	Mr. Norman W. Manley
Hon. John B. McLean	Miss Anne P. Hadden
Hon. James M. Hodgson	Capt. G.L. Blackwell
Hon. C. Hale Hadden	Capt. Mabry G. Blackwell
	Mr. Frederick Glasgow
6	7

MR. PRESIDENT: I declare the motion be defeated.

THE PRISONS (AMENDMENT) LAW, 1962 - BILL NOT PROCEEDED

MR. PRESIDENT: Next item on the agenda.

THE LIQUOR LICENSING (AMENDMENT) BAY, 1965

FIRST READING

CLERK: The Liquor Licensing (Amendment)Bill, 1965.

MR. PRESIDENT: The bill entitled "The Liquor Licensing (Amendment) Law, 1965" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Liquor Licensing (Amendment) Bill, 1965.

HON. JAMES K. BODDEN: Mr. President, I move a Bill for a law to amend the Liquor Licensing Law, 1974.

In introducing this Bill, Mr. President, I would like to make plain that this is to validate certain points in the present existing liquor law which it was understood was carried out in the correct manner, and asking for a confirmation of the acts that have been performed under this law, and that it takes away no valid rights vested in any individuals. It is merely a point that needs further clarification, and I trust that the Members will support the Government Bench on this.

MR. PRESIDENT: The question is that a Bill entitled "The Liquor Licensing (Amendment) Law, 1965" be given a second reading. The motion is open for debate.

MR. CARLTON J. SMITH: Mr. President, the amendment before this Honourable House today seeks to make provisions for transfer of liquor licensed premises to be transferred to and whenever necessary.

Mr. President, in my opinion for us to sit here and vote for this amendment defeats what many of us have worked so hard over the years to achieve. The law as it stands, Mr. President, in my opinion is adequate to cope with the needs of this community.

Mr. President, many times have about hardships being created when one cannot obtain a liquor license or move one transferred, but Mr. President, you do not hear about the hardships caused to people of our community by these licensed premises. We should think of our people first and see that they have protection. Mr. President, must we bend to the whims and fancies of every Tom, Dick and Harry that comes in and wants a transfer of a liquor license when they find out that there is no active money to be made in another area? I say, Mr. President, that we have enough liquor licensed premises throughout this Island and I oppose this amendment. I thank you, Sir.

HON. AMOS R. BODDEN: Mr. President, I must agree with the other speaker. I have served on the Liquor Licensing Board practically all the time that I have been in this Assembly, and I always understood it was the premises that are licensed and not the individuals. I feel, Sir, that we have certain regulations, a bar room cannot be within so many feet of a church and other regulations which we have tried to put in to stop this traffic. Personally, I would say, Sir, that liquor trafficking is almost as bad as drug trafficking.

Mr. President, after the 1970 election I was told by a certain man that "you did not get you out of the election being a member so soon, but we sure got you off of every Board, anyway we could have kept you on the Liquor Licensing Board", and I said "thank you, I do not wish that". You know, Mr. President, I have often been told by people I suppose, because I profess to be a christian, I am trying to live this life, I hope I am succeeding; but people who have drunk in their

MISS ANNIE H. BODDEN(CONTINUING): family have told me time and time again, "you are just as bad by granting these liquor licenses as those who are selling the liquor", and that really has stuck to me. I am not sure that they are right, because we have a law governing it, but I think to stress here emphatically, I am against liquor trafficking. It has destroyed many homes in this Grand Cayman than anything else, and I think that we should not accommodate people who want to distribute or redistribute their liquor licensing premises all over the place.

It has been brought to my attention that one multi-millionaire, I would term him, has paid the sum of $35,000.00 to a licensed holder to get his business, he bought it. I am not sure the amount is correct, but I am very sure it was bought, and I feel that we as Honourable Legislators, we must protect all and sundry. When we see little boys and little girls allowed to go into these licensed premises and they are sold liquor; there are places now that are wide open, what you think if they get them transformed into those darkened corners, I suppose babies could buy liquor if they went there. And I oppose it to the hilt, and I am very proud to know that my honourable friend from West Bay has taken the same stand, because I am sure he too professes to be a christian. Thank you.

MR. CRADDOCK BANKS: Mr. President, I should not have anything more to say on this, then in my that it should not be here and a vote taken. I think I have put in as much time on the liquor licensing board as any other Member from this House, and I have tried to be honest, reasonable and fair to applicants.

The liquor licensing law should have been redrafted for a while now like some above years ago. It has been amended and picked and chewed and picked to where you hardly know what it stands for anymore. When it comes on business in this country as most businesses, most crime, they want to find out first what is the possibility of getting liquor or a licence for it. I have seen a lot of applications come to the board, but to have all, presently the board was faced with an application asking for a permit to import beer, it did not read that it wanted, but I think that was what it meant, high term sentiments. The importer would import this beer and the storekeeper that it was imported for or intended for would go to the dock and collect it, so it would not be necessary to have a licence to sell this beer. So they are really out to use measures, I suppose they would be expecting too if that got through, for dances and wedding charges to be exempted too. The immediate sitting probably will have an application from some church, the last place.

We have tried to do what we felt was right to help control the growth of liquor establishments in this country. The reasons has we've gone ups or something no, to travel and hotel we thought that using the voters list or otherwords 250 voters to a licensed premises in all the districts areas; then if there were more licensed premises than the electorate we could not do anything about that, they would remain, but they would not be allowed to subdivide new premises or new applications would be entertained. Well, they have tried to change that a little bit by buying out some poor licensed operator and get the licence switched to another premises in the same area, which means that the licence from one licensed premises has been closed out, it has gone that number but the same amount of licensed premises remains in the same place.

This Board, Sir, is appointed and set up by the Members of this House. You're President of the Assembly, it is your authority, you are privileged to make an appointment with one Member from the outside, and that is true, but it is painful to where applicants are losing respect for the Board, the Board becomes just a trunk boy for some applicants. You have people making applications

...[illegible] CHAIRMAN DOESN'T CONTINUING: ...before a building is even finished, they make applications asking if they do so and so if they would be able to get a license? But with so many requests for the opportunity, for the privilege to get to sell liquor they are prepared to go to any extent and do anything to get a license. Regardless of what the behaviour may be in licensed premises the Board can do nothing about it, so much of the public complaints to the Board, "you know so and so is selling liquor in his house around the corner", they request the Board to go over there, investigate this and bring the accused to court if he is found with liquor in his house. It is not the Board's duty to do these things, it is the police.

About two years ago, I think this month two years ago, subject to correction, when we attempted to try to discipline one of the leading hotels on the West Bay beach by giving them a suspension of their license for three months, they had a shameful record of reports presented to the Board through the Police Department, what happened? Shortly after that a proposed amendment came to this House asking to consider, because they were encountering hardships and difficulties and the hardship was not getting any drink, and the this and that and the other. It left a loop-hole that anybody in this country who wants to make an application for a liquor license on the grounds of hardships and difficulties can get a license. We granted one to one a few months ago that never owned or operated a license in his life, still he was granted a license because he was encountering hardships and difficulties, no money, his finances were low and he could not do this and could not do that.

Getting a little further, Mr. President, and the request is for this amendment to the variation of premises from one area to another without the consent of the Board. I am saying here, Mr. President, that as long as I am on the Liquor Licensing Board I am not going to entertain or give my approval to anyone thing that is ever granted in the absence of the Board. It has been at times that the manager of a place resigns or dies and someone else has been appointed, that variation has been passed on, I am not going to agree on that as an either way, as in a voluntary Board and if these things come up and they cannot wait until the quarterly, call a Board meeting.

HON. JAMES M. BODDEN: Mr. President, on a point of order, Sir. I think the Member is getting completely out of order in regards to his speech on the liquor law here today. The Member has been a member of the Liquor Licensing Board for quite sometime, I do not know whether the allegations he is trying to put out here tonight or today is put across the Table at me as being Chairman of the Board, but he has sat there and listened to the applications that have been in, he said what he has had to say, and it is very seldom since I have been on that Board that I have ever surrounded any content of the Board other than putting the things before it, and whichever way that members votes, whether it was three to one or so that I have ever intervened and I do not like the allegations that I have coming across this side of the House today.

THE PRESIDENT: I think this is a bit more than a point of order, you will have an opportunity to, unless it is a point of explanation maybe. I was going to say, you would have an opportunity when replying to .....

HON. JAMES M. RUTLEY: I think he should explain his points as to what he is getting at now in talking about the variations. The variations are covered under the Law, it is in that Law you have in your hand, to tells how the variations are to be handled.

MR. PRESIDENT: If your point is that the Member is straying rather far from the Bill, I take it, I thought he had begun to stray a bit far. I have allowed him quite a lot of latitude, but perhaps the Member who was speaking could go back to the Bill itself now. The Member for North Side.

MR. BRADDOCK HANKS: Mr. President, I am speaking on a Liquor Licensing Bill before this House, and I am not dealing with education or agriculture nor fisheries nor anything else, I am dealing strictly and primarily with liquor.

I am saying it is now before the House that properties - licensed premises can be transferred from one area to another without permission of the Board. The Board met quarterly as always, we met in June and a licensed premise shortly after that moved from the area it was then doing business in to the West End and without any knowledge of the Board; no application was made to the Board for a transfer of property - their business from one area to another; besides that the Board was told yesterday that these properties turned in their old licenses, they have not been granted a new license and they have been operating illegally for the past two months. I can only read, Sir, in between this, the reason for this is to go back and to cover up anything that might have fallen within January 1965 and the end of August, 1965. I am not prepared, Sir, to give this proposed amendment any approval. I am not going to support it, so if it reaches the committee stage then I will have some more to say on it. I thank you.

MR. PRESIDENT: I think it may be a convenient moment to suspend proceedings for about fifteen minutes, not longer I hope.

HOUSE SUSPENDED

HOUSE RESUMED

MR. PRESIDENT: Please be seated. Proceedings are resumed. Does any other Honourable Member wish to speak?

MR. NORMAN W. BODDEN: Mr. President, this morning I said that I do not support retroactive legislation, and I have no intention at this stage in the game to change my tune.

However, my brief contribution to the Bill before this House is this, that I would be inclined to support section 2 which amends section 74 to allow the location of the licensed premises to be transferred providing the other criteria in the amendment can be met. However, with the Bill in the present form, I am unable to support it as it is.

MR. BENSON O. EBANKS: Mr. President, I have similar problems with this Bill. I am inclined to support the transfer of the location of premises, because a person could in fact hold a license for a premises, and the same as any other business, would see the opportunity of improving their situation by moving. Now what I do not quite understand is why it is necessary to make this legislation retroactive, because as I see it the situation of time when licenses have been renewed or granted, when people would have had an opportunity to object and the rest of it, it would seem to me that the granting of the license (I think the Board met only yesterday) would have ratified these irregularities. I am wondering if there is not some mechanism by which the main object of the Bill, which seems to be the provision for the varying of the location of the premises to be met, but you take out the retroactivity of the Bill, and if this could be done I could possibly support, as I said, Clauses 2 of the Bill.

MR. PRESIDENT: Any other Member wish to speak?

CAPT. CHARLES A. KIRKCONNELL: Mr. President, it has already been stated by the two previous speakers that they would support the Bill provided that the retrospective part or portion of the Bill is removed. I agree with this. I think as a business person I can see the reason for the amendment, but I want to make it abundantly clear that I will not support

CAPT. C.I. KIRKCONNELL(CONTINUING): ...my retroactive or retrospective legislation either now or anytime in the future.

I think, Sir, the point that a few minutes ago you was made it accurately clear to this Government that we are not going to support any retrospective legislation now or in the future. I hope that we shall see no more of this for quite a while. Thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

HON. MARK B. KIRKCONNELL: Mr. President, I would like to endorse the views of the last three speakers, and I have no problem in supporting section 2, provided the retroactive date is removed.

HON. O. WEIR BODDEN: Mr. President, the amending Bill before the House seeks first of all to amend section 13 of the Liquor Licensing Law so as to make it possible for the location of a licensed premises to be changed. This is a reasonable request, the Liquor Licensing Law as many authorities is very inflexible, it spells out in particular details the things that can be done and the things that cannot be done. It prescribes the time at which the Board can meet, and the times at which licenses can be altered or can be changed or the times that new licenses can be issued.

It is to say the least, a very difficult Law to administer, as it is a Law not intended to provide an incentive to the liquor trade, but rather to rigidly control the operations of the businesses involved. This has been the nature of the Liquor Law ever since there has been one, but in order to make up for the rigid standards set by the Law in section 13, which we are dealing with now does make certain provisions for the variation of licenses. It is section 13 that the House is now asked to consider.

The change sought in section 13 is simply to allow for a variation in the location of the licensed premises. As I said earlier, this is a reasonable request because section 13 already makes the provision for variation in other areas of the license, although section 13 in its present form does not allow the provision of a location. However, if we examine section 13 closely we will see that while it does not provide for a variation of location in its present form it provides for variation which have far greater or far more reaching effects than the actual location. So if section 13 in its present form can allow changes which can have far greater repercussions on the trade or on the business in the Island in general, why should it not allow for a variation in the location?

Now section 13, if amended, would contain a new sub-section called (aa), which follows upon (a) and before (b), which would provide for the location of the licensed premises, but before we insert an subsection (aa) into section 13 I think it is necessary that we examine the provisions of section 13. Section 13 allows for the variation of a licenses, and to my mind there could be no greater latitude given under this Law than to allow for a change of the licenses, because in the first place the licensee, the holder of the license should be a person whose credentials and whose reputation have been already scrutinized. And if section 13(1)(a) was allow for the change in ownership of the license it would follow quite easily that a request for the change in the location of the premises should just as easily be allowed. Before inserting into section 13 as the Bill before the house requests, I think it is necessary to look at the other provisions of section 13, provisions which allow the change or changes of variation in the license. (b) The licensed premises can be varied by making additions or alterations thereto.

Now here again, if the licensee can be varied so that the premises can be changed by making additions or by making alterations, it is not an unreasonable request that the premises can be changed to a different or different localities. So the more to amend

MR. C. WAIT BOSDEN(CONTINUING): section 13 we can see that plainly it must have been an oversight on either the draftsmen or the legislators who passed this Bill that they did not include in it a provision for the change in location of a licence. Those people involved in business know that the most important criteria for the success of a business is that you have a suitable location. Section 13, which we are asked to amend also makes provision for the variation of the specified hours, as I understand 'specified hours' under the Law, these are the specific hours in which a licensed premises can be licensed and that is a very important aspect of a licence. If these specified hours can be varied it should follow as easily as the night follows the day, that the location of the licensed premises could also be changed. Perhaps the greatest variation allowed by section 12 is found in (d), where the category of the licence can be varied, for example, a publich place may be turned into a wholesale, it could even be turned perhaps into a licence to set up a distillery. And these variations are allowed by section 12, yet for some unexplicable reason section 13 does not permit the variation of the locality of a licence. The amending Bill is seeking to do precisely that.

There is, after leaving the change in category of licence there is another allowance for further variation found in (e) of (a)(i), and that is, that any variation imposed under paragraph (f) of subsection (1) of section 7 can also be changed. This is a far sweeping provision which would allow almost any change to be made in the licence. If one wants to understand how far sweeping these changes could be one need only take a look at section 7 (1)(f) dealing with the nature of a licence, and then says "that the person is given a licence to sell intoxicating liquors in quantities for persons on such time", and (f), the important one "subject to such general conditions as may be specified therein". So under section 13 a variation could be made even to the conditions imposed under section 7(1).

It is very clear to me that when a law is set out to make possible variations to nearly every conceivable aspects of a licence, it should simply follow that the locality of the licence could be changed. Now I have tried to stress this, because many businessmen know that the success of his business depends upon being in the right place at the right time. I cannot see anything wrong with a person who has been given a licence under this Law changing the locality of his business, of course, to another locality which has the approval of the licensing authorities. For example, if a business is established on a busy street it could well be that for some reason or other that street may be closed and business would go also there, and it would really be a terrible tragedy if all the other businesses could move to the new area and the liquor licensing business had to remain where we remember that the same law which presents the change of locality would also allow the change of hands or the change of ownership, the change of hours, the nature of the business, the category of licenses and so on.

The amendment before simply asks to clause 2 that this section 13, which is the section allowing variations in a licence, and include a new paragraph which would allow the location of the licensed premises to be varied. Clause 2 of the Bill seeks to make this a retroactive. Members have indicated that they are willing to support section 2, at least some Members have indicated that they are willing to support clause 2 of the Bill which would allow a change in the location of the licensed premises.

The Member moving the Bill, when he does answer to close the debate will perhaps give an indication as to whether he would remove the retroaction section or whether he would want it to remain in the Bill. I would like to repeat what I said this morning in the matter concerning retrospective legislation.

HON. G. BAIG BOODHOO (CONTINUING): There are many forms of legislation which are used not commonly, but are used because the exigencies of the case demand that particular type of legislation. Retrospective legislation is sometimes necessary just the same as subsidiary legislation is necessary in some laws. Skeleton legislation is sometimes necessary when it is not possible to spell out in the main Law every detail of what may be remembered, and so retrospective legislation has its place on the statute books of any country. There have been many instances in the past in the Cayman Islands where it had been found, not only necessary but most desirable to use retrospective legislation. It is quite proper and legal to use it, the Interpretation Law and the Constitution both allow its use.

It is known that the main purpose for retrospective legislation is to validate matters that have been carried out to clear up ambiguities that exist, and to make it clear for all times that certain sections in the Law are made to appear clear that any person can read them without having any doubts. The need for retrospective legislation probably existed in this case, and I would commend it to the House. If the Member moving the Bill feels that the Bill, like some other Laws, can be effective without the retrospective portion I would have to give him his support if he chooses to delete clause 2 from this amending Bill.

The Licensing Board has a very difficult task in that the Liquor Licenses, although the whole Island enjoys the revenue which comes from it there are those who feel that the sale of liquor is a bad thing. It is only considered a good thing since the revenue goes to build hospital and roads and other things.

Now I am not here, Mr. President, to make out a case for the liquor business since the few established exponents I have are all assured to it, I do not think I should make out a case for them. The point is, that the efforts of the Board in controlling a business which brings revenue and which, if it were not controlled would probably bring more harm than it does. We as Legislators have an obligation to scrutinize and to tighten any provisions of the Law .....

HON. SPEAKER: I do not know whether the Honourable Member is almost finished, but it is just after four thirty, and in accordance with Standing Order 10(2) we should adjourn proceedings now. If the Member has only going to be another half minute I would not interrupt him .....

HON. G. HAIG BODDEN: No, Mr. President, I can assure you I will be a lot longer than that.

HON. SPEAKER: I thought you might be. (laughter) I am sorry to interrupt you twice in a day.

ADJOURNMENT

MOVED BY: HON. O.K. DOMAN

QUESTION PUT: AGREED. AT 4:35 P.M. THE HOUSE ADJOURNED UNTIL MONDAY MORNING THE 19TH OF SEPTEMBER, 1966 AT 10:00 A.M.

FIFTH MEETING OF THE (THIRD) SESSION OF THE LEGISLATIVE ASSEMBLY, HELD ON MONDAY, 19TH SEPTEMBER, 1983

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR. T. PETER LLOYD, CMG, OBE - PRESIDENT

GOVERNMENT MEMBERS

HON. D.B. PORTER, OBE, ERD, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON. MICHAEL J. BRADLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON. F. O. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN S. McLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. THOMAS M. DONOVAN	MEMBER FOR STATE EDUCATION AND SOCIAL SERVICES
HON. JAMES M. MUSSON	MEMBER FOR TOURISM AVIATION AND TRADE
HON. G. MAIN WILSON	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 KNAPPS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. BRUCE G. KNAPP	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. W. HERMAN DONOVAN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE MILDRED DONOVAN, 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. MARTY S. MCCORMICK	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK PARKER, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

* Absent - apologies received.

ORDERS OF THE DAY

SAKING DAY

MONDAY, 12TH SEPTEMBER, 1983

1. REPORTS -

(i) House Committee

Meeting held 1st September, 1983

TO BE LAID ON THE TABLE BY THE CHAIRMAN THE ELECTED MEMBER FOR NORTH SIDE.

(ii) Auditors Committee

Meeting held 5th September, 1983

TO BE LAID ON THE TABLE BY THE CHAIRMAN THE FIRST ELECTED MEMBER FOR THE DESERT ISLANDS.

2. QUESTIONS

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 20: Is Government negotiating for the purchase of a parcel of land on the Red Bay area, on which it is intended to build a cultural centre? If the answer is in the affirmative, will the Member state the name of the proprietor of the property, the amount to be paid, the area of the property and when it is proposed to commence erection of the cultural centre.

NO. 21: Will the Member give a complete list of Crown land in Grand Cayman and the location of each parcel?

THE SECOND ELECTED MEMBER FOR THE TURTLE ELECTORAL DISTRICT OF THE LESSER ISLANDS TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 22: Would the Member take steps to set up a Labour Office on Cayman Brac to assist school leavers and other unemployed persons there obtain employment?

THE FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 23: Will the Member state what is the position as regards a proposal by Government many years ago for the relocation of certain residents and improvements of the Watler Road area?

3. GOVERNMENT BUSINESS: -

(a) BILLS.

(i) The Liquor Licensing (Amendment) Bill, 1983 (Confirmation of SECOND READING DEBATE) (FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL)
COMMITTEE STAGE
THIRD READING
EITHER DEFERRED

(iii) The Roads (Amendment) Bill, 1983 - FIRST AND SECOND READINGS (COMMITTEE STAGE) REPORT THEREON

(iii) The Radio (Amendment) Bill, 1983 - FIRST AND SECOND READINGS COMMITTEE STAGE REPORT THEREON

(iv) The Pensions Bill, 1983 - FIRST AND SECOND READINGS (COMMITTEE STAGE) REPORT THEREON

(v) The Education Bill, 1983 - FIRST AND SECOND READINGS COMMITTEE STAGE REPORT THEREON

(b) GOVERNMENT MOTIONS.

NO. 3 - PROPOSED AMENDMENT TO THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972
TO BE MOVED BY THE HONOURABLE TRUMAN M. BODDEN (SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL AND OF THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN)
TO BE SECONDED BY MR. BENSON O. EBANKS (THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY)

NO. 5 - PROPOSED ESTABLISHMENT OF CAYMAN ISLANDS COURT OF APPEAL (AMENDMENT) TO THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972)
TO BE MOVED BY THE HONOURABLE TRUMAN M. BODDEN (SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL AND OF THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN)
TO BE SECONDED BY MR. BENSON O. EBANKS (THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY)

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MONDAY

12TH SEPTEMBER, 1923

10:00 A.M.

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

REPORT - HOUSE COMMITTEE

MR. PATRICK FRANCIS: Mr. President, the House Committee met on the 1st September, 1923 and the minutes and report of that meeting are now in the hands of Members. So I would humbly ask, Sir, that that report be laid on the table.

MR. PRESIDENT: So ordered.

REPORT - BUSINESS COMMITTEE

CAPT. CHARLES D. KIRKCONNELL: Mr. President, I have to lay the report of the Business Committee, held on the 5th September, 1923, on the table of this Honourable House.

MR. PRESIDENT: So ordered.

QUESTIONS

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

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 30: To Government negotiating for the purchase of a parcel of land in the Red Bay area, on which it is intended to build a cultural centre? If the answer be in the affirmative, will the Member state the name of the proprietor of the property, the amount to be paid, the area of the property and when it is proposed to commence erection of the cultural centre.

ANSWER: No.

SUPPLEMENTARY:

HON. BENSON O. EBANKS: Supplementary, Mr. President. Has Government purchased any land for this purpose in this area?

HON. JOHN B. MCLEAN: Mr. President, again the answer is no.

MR. PRESIDENT: If there is no further supplementary, I will invite the Honourable Member to ask the next question standing in her name.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES

NO. 31: Will the Member give a complete list of Crown land in Grand Cayman and the location of each parcel?

ANSWER: There are 542 parcels of Crown land in Grand Cayman. These include among land, roads, cemeteries, lands for Government housing Police Station, the Hospital compound, Government Administration Building, Town Hall, lands not claimed during the National Cadastral Survey and beautification project, Public Works Compound, Community Civic Centres, Schools, Public Parks, cemeteries, Government leased lands, airport lands, Post Mistress lands, Post Offices, Government Agricultural land, Public Beaches, the Hospital and District Clinics. In addition to the foregoing, all Public Roads should be included although they are not noted in the listing of Parcels and Boundaries compiled by the Lands and Survey Department. The following is the complete list of all Crown land in Grand Cayman. The listing is in numerical order, therefore the locations will not be in sequence. Each location is identified by its respective Registration Section, i.e., "Lower Valley".

HON. JOHN A. MCLEAN: Mr. President, the remainder of this answer is about twenty-four pages and if it is the wish of this Honourable House I shall read it, or if not I will table it.

HIS EXCELLENCY: I think it would be in order to table it, I had to the wishes of the House and the question in particular, but to expect you to read twenty-four pages may be ....., provided it is tabled and is available to all Members, I think that should be satisfactory.

MISS ANNIE HULDAH BODDEN: I do concur, Mr. President.

HON. JOHN A. MCLEAN: Copies have been supplied to the Clerk. Thank you.

SUPPLEMENTARIES:

MR. W. NORMAN BODDEN: A supplementary, Mr. President. Can the Member state if Government is contemplating the sale of any of this land and to whom?

HON. JOHN D. MCLEAN: Mr. President, there is no such deal. As far as I am concerned I have never heard of it in the Portfolio.

MR. BENSON O. EBANKS: Supplementary, Mr. President. In the answer the Member states that the parcels include commons. Will the Member give a categorical assurance that Government recognizes Crown lands listed as commons as having the ownership in common by the respective owners' lands?

MR. PRESIDENT: I think this is straying a little bit far from the original question and if the Member wishes to answer I will not object, but I think if you want that sort of information it is really desirable to put down a specific yourself.

HON. JOHN D. MCLEAN: Mr. President, I tend to agree with you. I think the Member has strayed a distance from the original question, however, if he wishes such information I will always be happy to look into the matter and let him have it in written form.

MR. BENSON O. EBANKS: I will not pursue the question, Mr. President, but it did arise from part of the answer to the original question.

MR. SPEAKER: Well I can see that, but it stretches quite a long way.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Will the Member say at this time whether Government has any interest in buying other land that may be available which could be used for Government purposes if and when needed?

HON. JOHN B. McLEAN: Mr. President, that is a matter which has to be taken to Executive Council for a ruling. The most that I could do through my Portfolio is to present the matter. If the Honourable Member in charge of such lands, I would be happy if he would make such submissions to me to have it taken up in Executive Council.

MR. SPEAKER: If there is no further supplementary, I will ask the Second Elected Member for the Lesser Islands to ask the question standing in his name.

THE SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 22: Would the Member take steps to set up a Labour Office in Cayman Brac to enable unemployed lecturers and other unemployed persons there obtain employment?

ANSWERED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM AVIATION AND TRADE.

ANSWER: At this time it is not considered cost effective to set up a Labour Office in Cayman Brac due to the relatively low volume of work that would be required. The Labour Officer periodically visits Cayman Brac and during these visits deals with job placement and related labour problems. Otherwise the office in Grand Cayman can adequately cope with such matters and if necessary impromptu visits can be arranged expeditiously.

SUPPLEMENTARY:

MR. BENSON O. EBANKS: Supplementary, Mr. President. Would the Member further elaborate on this answer and say whether the persons from Cayman Brac, who may seek employment when the Labour Officer periodically visits there, are placed on the roster of unemployed persons or persons seeking employment similarly to the case in Grand Cayman?

HON. JAMES M. MANDERY: Mr. President, quite correct.

MR. SPEAKER: If there is no further supplementary, I will invite the First Elected Member for George Town to ask his question standing in his name on the Order Paper.

THE FIRST ELECTED MEMBER FOR THE GEORGE TOWN ELECTORAL DISTRICT OF GRAND CAYMAN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES

NO. 23: Will the Member state what is the position in regards a proposal by Government many years ago for the relocation of certain residents and improvements of the Butler Road area.

ANSWER: Government took no action on the proposal of relocating certain residents from the Butler Road area. However,

through the efforts of the Public Health Department there has been a marked improvement in the general condition of the area. The placement of large garbage containers has helped remarkably.

Since the general clean up for the visit of Her Majesty the Queen, the residents of the area have continued to keep the area clean. There has also been an upgrading of housing in the area by the residents themselves.

HON. TRUMAN M. HODGSON (Kingsborough): Mr. President, while this is not on the written answer, I would like to just state slightly further. The matter is still under consideration and a meeting was held as recently as 12th July, 1984, but there is a difficulty in inducing people to leave their houses, be it ever so humble, and move into other houses; and also the question of whether Government would provide these absolutely free or whether they would be provided on a limited mortgage repayment basis as well as other matters were discussed at that meeting, and it will remain under review.

MR. DENTON O. BRANCH: A supplementary, Mr. President, and this basically is on the second part of the answer. Both the question and the answer refer to a proposal and in the second section of the answer the Member indicated that no decision had been taken as to how the relocation was to be financed or dealt with. Could the Member give some explanation as to what the proposal was: whether it was in writing or whether it was just an idea somebody had and called it a proposal?

HON. THOMAS M. DODSON: Mr. President, I think that question should be put to the Elected Member for Orange Town because he referred to a proposal and I have scanned that it was the original proposal in the Social Service policies and if that is incorrect then my answer may be incorrect. So perhaps the First Elected Member for Orange Town can confirm whether that is what he is referring to too.

MR. W. NORMAN WOODRY: Mr. President, I guess this is a bit unusual, but anyway I was referring to the proposal in the Social Services study.

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

GOVERNMENT BUSINESS - BILLS

THE LIQUOR LICENSING (AMENDMENT) BILL, 1984
SECOND READING
CONTINUATION OF DEBATE

CLERK: THE LIQUOR LICENSING (AMENDMENT) BILL, 1984, CONTINUATION OF SECOND READING DEBATE.

HON. G. WAIT RODGERS (Commissioner): Mr. President, I shall not continue with a lengthy debate on the Bill before the House as I understand from the Member in charge of the Bill that he will go into great detail when winding up the debate. But, I would like to reiterate what I had said earlier in the conclusion of the session on Friday and that is that section 13 of the principal Law, which is the section that would be amended by the Bill before the House presently, in my mind at an amendment.

Section 13 seems to allow, as it now stands, the variation of a liquor license in every respect except this

HON. G. IAIN DOBBIN (CONTINUING): most important aspect of the license and that aspect is the locality of the license. So whether the Bill passes the House or whether the Bill is defeated, the fact remains that there is a need for an amendment to section 13 of the principal law and it is my hope that whatever the outcome of the Bill before the House, that at some future state steps will be taken to remedy the present anomaly which was created in the Law when it was passed in 1974.

Thank you, Mr. President.

CAPT. MARY E. MCGONNELL: Mr. President, I have given this Bill serious consideration and like the previous legislation I cannot support retroactive legislation.

The amendment to section 13 of the principal Law, as to the changing of the location, I could support provided it comes into effect with your assent of this Law and not on a date previously as stated in this Bill.

I have great concern for my people and the people who will live in the Cayman Islands in the future at the effect that retrospective legislation could bring to us now and in the future. So if this Bill is amended I will give it serious consideration in the committee stage, but as it is presented I cannot support it, Sir.

MR. PRESIDENT: Does any other honourable Member wish to speak?

HON. BENJAMIN M. BODDEN: Mr. President, the Bill before us has two sections and from what I understand there has been no objection to the substantive sections I should say to section 2 which changes the location of the licensed premises, but there has been an objection to a validation clause.

Now it seems to me that it is being confused with retrospective legislation. What we have here as I understand it, is a Board which has either agreed and resolved or otherwise permitted the transfer of licenses within the Liquor Licensing Law from one location to another. This board was properly constituted and I understand that, as I know that it consists of four of the Members within this House. The First Member for East End, the third Member for George Town was on it previously, the First Member for George Town is on it now and the Member for North Side.

If what they have done they regard as a proper act, then I cannot see how they can object to this section. This section is not retrospectively taking away the rights of people. This is what is intended to be retrospective. It has nothing to do with that and I believe that if the Members look at this in the light that this is the act of a Board which was properly constituted and it is validating an act or acts which were not objected to, which were in the interests of the Cayman Islands, then I do not see why there can be objection to a validation section such as this.

But there is a difference between retrospectivity where rights are taken away which have already been granted them the validation of rights which, for all intents and purposes, were granted under the Law. Nobody objected to them; it must have been in the interest of the community.

Look at it another way. What you are really doing as Members of the Board is really in vain, if you refuse section 2 of this Bill, take away rights which may have vested, so if you have transferred licenses and you find that they were improperly transferred .....

MR. J. CARLTON SMITH: On a point of order, Mr. President, I wish to make it absolutely clear that I did not agree to any of these transfers.

HON. THOMAS M. HOUGAN (CONTINUED): So if the position then is that there have been transfers of interest, what do you believe would be really what could be the equivalent of retrospective legislation, that is rights which people now enjoy and which under are going to be taken away. I think that you must look at it in the light of this.

These rights and the licensed premises have been carrying on their business and without this section they may well lose those rights. As I understand it, and I abide by the First Elected Member for West Bay's statement which I gave way, as he said, and let him make, that the confusion is between a withdrawal and retrospectivity.

And the Board, whether it included the First Member for West Bay or not, that really those transactions really is in a problem that if we want to take it further, to really address them from the point of view that they are being withdrawn or in the way which they have done. I believe that if we really take this to its extreme steps, Mr. President, and look at section 2, let us ask ourselves, 'What is that section really doing?".

Rights for licensed premises for a transfer from one location to another location. The public has not objected to it. Many of these have been done, from the Index of it, back in January, 1958 and the persons now to be withdrawn their vote, regardless of which Members were on the Board or not, is basically to an act, a Law matter, which is prohibition vote of the Board. And if they really come down to it, Mr. President, then perhaps the Members of that Board which are affected by the Law here, may well feel that it is their duty because this would affect the Board generally if a private action was taken against the Board. Perhaps they should feel themselves duty bound to abstain from voting on this section because it will really affect all Members of the Board. I am not directly saying that is the position that there is a direct pecuniary interest as defined in the Standing Orders back in 1978 and 1979, but what I am saying is that section 3 of that bill is a section which would affect the Members of this House who were actually sitting on the Board in that it would nullify the Board's act back to January of 1982.

I cannot really add any more, but I would like to re-emphasise the difference between a retrospective law which takes away rights that have been granted and a withdrawal Law which continue rights that have been given. They are two remarkably separate matters. If what you had said that rights granted to licensed premises or licensed premises to convert back to what are taken away, I could well see where Members may object to it. But it is the complete reverse situation here. Rights which have been granted to which no one has objected and to which the licensed premises' owners have carried on their licensed premises' business for the past year and a half, could now be taken away. So really what you, I think, are objecting to could only be achieved if you do not pass the withdrawal law. This is saying they have rights, they should continue to have them. A retrospective law says, "I am taking away the rights that you have".

So I would have that in the light of that explanation, which I would ask you to accept, that what is sought to be done here is to preserve rights which have been granted under the Law and not to take away rights retrospectively, which is what I understand objections have been made, for instance the Second Elected Member for the Lesser Islands, when he referred to retrospectivity or retroactivity on words to that effect.

The other matter, I guess, could well be if there is any upsetting of these rights, then the question could well be that, as I said before, the Members of the Board could well be affected or it and I would hope that since this directly affects the Board that the persons and the past Members within the withdrawal period of section 3

HON. THOMAS M. HOGGAN (CONTINUING): ...could find that perhaps these is one of those instances where they should perhaps consider whether or not to abstain in relation to that section.

Lastly and without belaboring this I want to ask Mr. Dick if not the misunderstanding having many of rights which have been granted. There is a serious matter. There is a validation of rights which have been given, have been carried on over the past eighteen or twenty months, which have not been objected to by the public or by any Member of this Legislative Assembly and I feel that it should get the support of the House. An error was made, an error was admitted and the only way to deal with these errors are to correct them and therefore I would ask that Members support the Bill and, in the alternative that perhaps they may consider whether those Members were also Members of the Liquor Licensing Board, may wish to find it possible to abstain in relation to the validation clause.

Thank you.

FOR. MICHAEL J. FRANCIS: Mr. President, Sir, the Bill that we have in front of us in a minor Bill it has only three clauses, because a Bill is a short Bill, as we have seen in this House, it does not necessarily mean that it is an unimportant Bill or that the principles on which the Bill is based should be considered as unimportant by Members.

There are three clauses in this Bill, the first clause is the Short Title and Commencement. The second clause is a simple amendment to section 13 of the Liquor Licensing Law and the third clause is a validation clause.

My Honourable colleague on Constitution Council has quite rightly pointed out that the third clause is not retrospective legislation. The only thing in my opinion that could be considered retrospective in relation to this Bill was the words of commencement in clause 1 which say, "and shall be deemed to have come into operation on the first day of January, 1968". Those words are, I consider Mr. President, Sir, put in out of abundant caution so as to fix the date from which validation would commence in clause 3. Those words would, without doubt and subject to what the Honourable Minister of the Bill says, will be dropped out of clause 1 of the Bill so that it would simply read, "This Law may be cited as the Liquor Licensing (Amendment) Law, 1968".

Clause 3 is the validation section and as my Honourable colleague has pointed out, the validation section is to validate and confirm certain acts that were taken in good faith, as I understand it, by the Liquor Licensing Board on certain dates. It may be that again in this clause too, Mr. President, Sir, that Honourable Members and Council and myself about the mention of a specific date, namely mention of the first day of January, 1968. If this is the case of Honourable Members it would be possible, upon sufficient notice, to draft a slight amendment to clause 3 that instead of mentioning a specific date that it could be amended in committee stage to read, "It is hereby declared that any variation of license under the provisions of section 13 of the principal law hereinafter made which varies a license .....", whatever, etcetera. This would have the effect of not mentioning any date whatsoever in case by the date on which this House is considering the matter or to which the assent in this Bill would be given.

I think as my Honourable colleague has pointed out that what you are not doing here in the Bill is to remove any rights that people may have that you are seeking to confirm and to validate the acts of the Board made in good faith, acts in respect of which certain members of the public who understood that they had been granted licenses in new locations have acted upon and that it is and would be a fit and proper thing for the Bill to be passed with the validation clause.

In committee stage, subject to what the Honourable mover of the Bill would say, it would be perfectly possible to

HON. MICHAEL J. BRADLEY (CONTINUING): Once the words relating to dates both in clause 1 and clause 4.

There has also, Sir, been another matter mentioned and that is the principle upon which Honourable Members of this House would be entitled to vote upon this Bill inasmuch as by the provisions of the principal Law, the Liquor Licensing Law, the Liquor Licensing Board is by that statute, in part, comprising of Honourable Members of this House and that Honourable Members of this House having or not having voted for the granting of a Liquor License or not they have acted for the granting of a Liquor License or not, that having been a Member of a Board whose decision whether unanimously or a majority has been to do a certain act, whether they are therefore entitled afterwards to vote in this. And I think the Honourable Member, my Honourable colleague, said that this may be considered a pecuniary interest and subject to the wishes of the House and subject to yourself, I think the best information on such matters, which are not in my opinion direct pecuniary interests, is contained in Erskine May's Parliamentary Practice Nineteenth Edition, which, in relation to procedure in the Mother Parliament and the House of Commons says "Personal interest other than pecuniary - Disallowance of a vote on the ground of personal interest is restricted to cases of pecuniary interest and has not been extended to those occasions when the dictates of self-respect and of respect due to the House might demand that he should refrain from taking part in a division.".

Subject to what the House feels and subject to what you think, Sir, I think in a situation like this whatever certain consequences might flow if the validation were not passed by this Honourable House, but nevertheless that is in no way a direct pecuniary interest and it is basically up to each Member himself to demand, in the words here, whether the dictates of self-respect and of respect due to the House might demand that he should refrain from taking part in a division. That is not for me, Sir, to determine, but I thought it might be relevant in bringing the procedure which is contained in the Mother of Parliaments to the notice of Honourable Members.

As I said, Mr. President, Sir, in the beginning, there are certain things that may be done with this Bill at committee stage as the Honourable Members of the House feel might be prudent.

I would, Sir, say that in my opinion that there has been heretofore a number of grounds on which validation of licenses can take place. One of the grounds is that it can be argued in respect of the Licenses. However, ultimately enough it was never possible to do it in respect of the location of the licensed premises. It has been done and the fact that it has been done that objection has never been taken to it before on the number of occasions that it was done and the fact that the matter has just recently arisen shows, I think, that no great harm would flow from such amendment.

I am willing, inasmuch as I can, at committee stage to assist the Honourable mover of the Bill and the Members of the House in putting it in such form as they think it might and remove if they desire any changes to be made.

Once again I emphasize that a validation clause is not a clause making a Bill retrospective in its effect.

I would support the Bill. Thank you.

MR. VERNON O. EDWARDS: Mr. President, I wonder if at this stage I could be permitted a word of explanation?

MR. SPEAKER: If it is a point of ..... let me just look, by understanding of Standing Orders 48 and it is that if you wish to explain or elucidate a matter raised by another Member in the course of his speech .....

HON. MICHAEL J. HEADLEY: Perhaps, Mr. President, Sir, any doubt that there may be could be clarified if I could say that under Standing Order 84(2) I would like to be considered as still finishing my speech and offering to give way to the Member to give his explanation.

MR. PRESIDENT: I think that is fair.

MR. BERTON O. EMMINS: Thank you, Mr. President, and the Second Official Member.

I think the Second Official Member in his debate is finally seeing the point which most Members on this side made and that is that if the Bill was put in a form of general ratification, removing dates, we would have no objection to supporting the Bill.

What we are objecting to is the mention of dates which give the appearance that the Bill is designed to cover a specific thing or things. If the Bill is worded in a form of general ratification such as all actions of the Superintendent done are hereby ratified, similar as is done in a general meeting of a company, we can support it.

Now if I may be permitted to comment on the question of voting, that is the pecuniary interest and the rest of it, I believe that our Standing Orders are quite clear on that subject and where our Standing Orders are silent we do not invent the Standing Orders or practice of any other parliament. That is done only when we do not have a Standing Order covering it.

Thank you.

HON. MICHAEL J. HEADLEY: As, Mr. President, Sir, I gave way to the Honourable Member prior to the finish of my speech, I would now propose to conclude my speech.

That is, Mr. President, Sir, I wish to thank the Honourable Member opposite for his explanation and at the same time while thanking him may that I had adverted my own mind to Standing Order 79 of our Legislative Assembly Standing Orders which relates to and specifically deals with direct pecuniary interest and personal pecuniary interest.

I considered that the matters that may arise or could possibly arise in the future vis-a-vis a particular person's membership of the Liquor Licensing Board and any actions that that Board had taken could not be considered as direct pecuniary interest and therefore the provisions of Standing Order 79 would not apply. It would be more a matter of an indirect pecuniary interest or an indirect interest or a direct interest in other consequences or matters that may flow from it. That being so, since our Standing Orders did have no specific mention of personal interest other than pecuniary, I thought it my duty to point the minds of Members towards what has been done in other jurisdictions.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Honourable Member wish to speak before I invite the proposer of the motion to reply if he wishes?

If not then may I call upon the mover of the motion to exercise his right of reply if he wishes?

HON. JAMES M. BRIDGE: Mr. President, a fair amount of debate has ensued on this subject and to go back to the proposed amendment once more, the amendment is only attempting to ratify actions that were taken by the Board.

We are only attempting to confirm rights that have been granted to different persons who now have licenses and who

HON. JAMES M. DODDS (CONTINUED): and them before. There can be no way distorting the quota under which the licences are granted or anything of that sort.

Mistakes have been made in this instance, but mistakes have been made in many other cases and have had to be corrected. The Members should realise that this Board sits out here to sit, usually without legal assistance being given to it and in a lot of instances we as Board Members have to sit and listen to attorneys arguing on both sides and then make our decision.

This is no way for Parliament to make any type of retrospective legislation. It is similar to a Board meeting of a company which notifies actions that have been taken by the directors of the company from one meeting to the other.

I am really a bit surprised over the debate and the publicity which has been engendered by this Bill and letters in the press about the subject. The Liquor Licensing Law on our statute books has been there a long time and whether we like or condone liquor being in our midst, it has become a way of life, it has been accepted by the public and it has been accepted by this House or we would not have the Laws in the statute books which deal with it.

We can profess, Mr. President, our Christianity as much as we wish in making our accusation, but we really cannot succeed in hiding behind these professions of Christianity when actions have to be taken.

I am of the belief that I have discharged my duties as Chairman of the Liquor Licensing Board ably and fairly. To some of the criticism which was levelled in this House on Friday, I would like to seek your indulgence to go along with me and once more consent to this House some of the action which I have taken in the past in this House to try to strengthen the measure which we are talking about.

We go back to the Liquor Licensing Law of 1970 upon which this is all founded. I would like to refer the Members to section 91(1) of that Law and if they do not believe what I am saying I would refer them back to the Hansards of this House as to the things which I brought forward in trying to strengthen the Law. I will refer them again to section 13 of the same Law, sections 17 and 18 of the same Law, section 21 of the same Law, sections 81 and 82 of the same Law and sections 84 and 87 are some of the points which I pushed and fought for in this House to get into the Law to be sure that we had a Liquor Licensing Law which had teeth in it.

I would further remind my colleagues of the Liquor Licensing (Amendment) Law, 1977 and refer them to subsection (A) of section 3 which goes on from to subsection (g) and to subsection (i). I would refer again to the Liquor Licensing (Amendment) Law, 1979 (Law 7 of 1979) and to subsection (d) of section 2; the Liquor Licensing (Distribution of Licences) Regulations, 1979 - section 3; the Liquor Licensing (Amendment) (No.3) Law, 1979 (Law 25 of 1979) - section 4; the Liquor Licensing (Amendment) Law, 1981 (Law 12 of 1981) - section 2; the Liquor Licensing (Amendment) (No.2) Law, 1977 (Law 19 of 1981) - section 3. I could go on, I would have a bunch more in my hand, Mr. President, and if I had been derelict in my duty in trying to see that we had a correct type of Liquor Licensing Law to work under, I would certainly not have championed these sections of the Law being put in.

The intention of the Legislature, in my opinion, was to permit transfers from one person to the other and from one location to the other. We could never expect that a person should be made to operate a business in the same location year in and year out. Economic reasons might dictate otherwise.

The Law of any country must never create hardships for the people who live in that country. The interpretation was put on this and the two permitted changes of locations. A few such

HON. JAMES M. PUDDY (CONTINUING): transfers took place and to the best of my knowledge were approved at the next ensuing Liquor Licensing Board meeting and were approved.

I would like to remind once more that the only real controls that the Liquor Licensing Law has ever had in it were those that had been formulated by myself and my fellow Members of Executive Council. Before this, it was a farce.

I would like to point out to the House that transferring a license does not increase the number of licensed premises within the district and the damage of having a license has already been done when that license has been granted, not when you transfer it from one place to another. The amount of liquor licensed premises is not being increased.

One Member in debate said that these were transfers being made into darkened corners. Mr. President, I really do not know what was meant by that, but if I may try to clear it up - all actions taken by the Board are notified to the next ensuing Liquor Licensing Board meeting and are published or noted upon at that meeting by the membership. If I am guilty of something here, then I would say that the Board is also.

One Member in his debate stated that applications were approved before buildings were completed. Mr. President, if this has happened I do not recall it during my term as Chairman, unless it was done at the time when the Member who made this statement during my absence from the Island acted as Chairman. If it was done, it must have been done underhandedly.

Besides the minor variations we were aware and the Board Members I am sure, if they will tell the truth, were of the opinion that section 78 covered the actions that we did. It is surprising that they were never brought forward by these Members until now when the Bill is brought to the House to amend that section to be sure that the powers were given for it.

One Member spoke about people breaking the rules under the Liquor Licensing Law. Mr. President, I am concerned about that, but again I have no way to control it and the person who said that was also a Board Member so he had as much power to try to control it as I did. If rules and regulations of that law are broken lately, it is up to the police to enforce them, not us as Members of the Board.

A new law will be coming hopefully to the House in a short time on the entire Liquor Licensing Law. The Board has spent considerable time in trying to put the amendments together and we hope we will have it in the next session or maybe this one after that. I am hopeful that at that point all of the complaints can be rectified.

I am prepared, Mr. President, when we get into committee stage of this Bill, if it would help the Members on the other side of the House, to propose that we change section 3 to read as follows - "It is hereby declared that any variation of Licence under the provisions of section 13 of the principal law which varied the license by changing the location of the licensed premises shall be deemed to have been properly and validly made if on the time of such the provisions of section 2 of this Law had been in force, and to delete the second and third lines after the word "Law", the words "this between the first day of January, 1980 and the date of the coming into force of this Law".

Other than that, Mr. President, I am not prepared to make any concessions and I am prepared to go to a vote that it either wins or it loses.

I think it would be taken for granted that if I would change clause 3, I would have to change clause 1.

MR. PRESIDENT: This motion is that a Bill entitled a Bill for a Law to Amend the Liquor Licensing Law, 1974, be given a second reading.

QUESTION PUT: AYES AND NOES. THE AYES HAVE IT. BILL GIVEN A SECOND READING.

I wonder whether it may be convenient at this point to take our customary break, or I suggest that proceedings be continued for approximately fifteen minutes.

AT 11:10 A.M. THE HOUSE ADJOURNED

HOUSE RESUMES AT 11:27 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
I presume that instead of taking the committee stage of the Liquor Licensing Bill, we continue first with the remaining Bills in order taking the Bills one by one and taking the committal stages thereafter, particularly in view of the fact that certain amendments have still to be drafted in detail in relation to the Liquor Licensing Bill in order to give effect to the understanding reached during the second reading debate. I think that will perhaps be the most convenient.

THE ROADS (AMENDMENT) BILL, 1974
FIRST READING

CLERK: THE ROADS (AMENDMENT) BILL, 1974.

MR. PRESIDENT: The Bill entitled the Roads (Amendment) Bill, 1974, is deemed to have been read a first time and is set down for a second reading.

SECOND READING

CLERK: THE ROADS (AMENDMENT) BILL, 1974.

HON. T. RAIS MOODY: Mr. President, I move the second reading of a Bill entitled A Bill for a Law to Amend the Roads Law, 1974.

The existing roads law has a provision in it in section 14 that if a road should be closed that the land which was the road would revert to the full ownership of the original owner of the land at the time when the road was built. The amendment will seek to change that by making it so that the land which remains from the closed road would go to the owners of property on both sides of the road and if there are no such owners would vest in the Crown or in such person as the Governor may by notice appoint.

It is my understanding that when the Road Law was passed in 1974, section 14 of that law vested in ourselves a similar section to the old Law which had been passed many years ago. It has now become very difficult to find out the original owners of the land if we have to close one of the many old roads. For example, if we were had to close a section of Sheidow Road, it would be difficult to find out who the owners of that land were at the time that Sheidow Road was built.

This amendment would make it so that if there were no owners who could be clearly identified, the land would go either to the adjacent owners of the adjoining road or to the Crown or to some other person if there was a good reason why the other person should have the land. And one reason would undoubtedly be that some

HON. G. MAIG BODDEN (CONTINUING): consideration was given to Government with the closure of the road.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to amend the Roads Law, 1974, be given a second reading. The motion is open for debate. If no Honourable Member wishes to speak I will put the question.

QUESTION PUT: AYES AND NOES. THE AYES HAVE IT. BILL GIVEN A SECOND READING.

THE RADIO (AMENDMENT) BILL, 1982
FIRST READING

CLERK: THE RADIO (AMENDMENT) BILL, 1982.

MR. PRESIDENT: A Bill entitled A Bill for A Law to amend the Radio Law, 1975, is deemed to have been read a first time and is set down for a second reading.

SECOND READING

CLERK: THE RADIO (AMENDMENT) BILL, 1982.

HON. G. MAIG BODDEN: Mr. President, I move the second reading of a Bill entitled A Bill for A Law to Amend the Radio Law, 1975.

Section 7 of the Radio Law declares that only a native officer can be the chairman of the Radio Board. We have found great difficulty in finding within the Civil Service people with the technical knowledge necessary to serve on the chairman for this board. On the other hand in the private sector there are many people who are eminently qualified to serve on this board.

The amendment to the law seeks to change the matter so that any person can be appointed to the Radio Board whether or not that person is a Civil Servant.

I would ask the Members to support this amendment.

MR. PRESIDENT: The question is that a Bill entitled A Bill for A Law to Amend the Radio Law, 1975, be given a second reading. The motion is open for debate. If no Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AYES AND NOES. THE AYES HAVE IT. BILL GIVEN A SECOND READING.

THE PARTNERSHIP BILL, 1982
FIRST READING

CLERK: THE PARTNERSHIP BILL, 1982.

MR. PRESIDENT: A Bill entitled A Bill for A Law to Declare and Amend the Law of Partnership and to Declare the Law relating to Limited Partnerships, is deemed to have been read a first time and is set down for a second reading.

SECOND READING

CLERK: THE PARTNERSHIP BILL, 1982.

HON. T. C. JEFFERSON: Mr. President, I move the second reading of a Bill entitled A Bill for A Law to Declare and Amend the Law of Partnership and to Declare the Law relating to Limited Partnerships.

At present, Mr. President, the law on Partnerships in these Islands is the common law and it is considered

HON. T. C. JEFFERSON (CONTINUING): opportune to introduce legislation on the subject. The Law seeks to harmonize all the common law provisions on the subject and is based on the Partnership Act, 1890 of the United Kingdom with suitable modifications.

Mr. President, consideration has been given to the enacting of having a Bill, such as this one, on our books for many years. It was two years ago that the virtuous Second Official Member of Executive Council formally introduced it to Government. The Bill was circulated to the Law Society, FINCO the Commercial community committee, and others deemed suitable.

Suggestions for amendments were put forward and incorporated in the draft law. I understand, Mr. President, that those views were sought are in agreement with the provision of the Bill. The legal technicalities of the Bill and the interpretation thereof, Mr. President, I would defer to the Second Official Member and he may be better clarified during the committee stage of the Bill.

This opportunity is being taken of seeking to repeal the Limited Partnership Law (Revised) and incorporating its provisions into the Bill. The Bill seeks to bring the Law relating to Limited Partnerships more up-to-date although some of the principles of the Limited Partnership Law (Revised) have been changed.

Mr. President, I ask that the Honourable Members support the Bill.

MR. PRESIDENT: The question is that a Bill entitled / Bill for / Law to Declare and Amend the Law of Partnership and to Declare the Law relating to Limited Partnerships, be given a second reading. The motion is open for debate.

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

QUESTION PUT: AYES AND NOES. THE AYES HAVE IT. BILL GIVEN A SECOND READING.

THE EDUCATION BILL, 1983
FIRST READING

CLERK: THE EDUCATION BILL, 1983.

MR. SPEAKER: A Bill entitled / Bill for a Law to Repeal and Declare the Cayman Islands Education Law, 1966, be deemed to have been read a first time and be set down for a second reading.

SECOND READING

CLERK: THE EDUCATION BILL, 1983.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move the second reading of a Bill entitled the Education Law.

Mr. President, I will be fairly brief in my opening remarks on this because as I have mentioned to the Members several weeks ago and as they have agreed, I will be putting this Bill to a Select Committee. It is a very important Bill and I believe it has to be looked at in depth and carefully and there are better places to do that with a Bill this lengthy than in a Select Committee.

Mr. President, the Law was drafted as I mentioned in the printed version that went out to the public with the assistance of the Government School Heads and also of some of the Private School Heads. The Bill was then printed and sent to the public inviting comments and pointing out that it would be taken to the Legislature in this session. I have received comments on this, some which came in before the period that I set in the Law, some that came in after and all comments and recommendations will be very carefully reviewed. In fact, I intend to bring all those to the Select Committee so that it can consider them

SEN. CHIMAN K. WOODEN: ...not deal with the Law.

The objectives of this Law can very rightly be summarised in that it is proposed to replace the Education Law of 1964, which is now outmoded and which has to be amended to properly fit it at this time under the present constitutional as well as informal aims of the education system.

What is being sought is a broad outlook to be dealt with in many of the areas of the Law as possible so that we would have comments from the public and those have come in and they will be looked at by the Select Committee fully.

Mr. President, I have always taken the approach that it is better to put the Law out to the public and then to consider their views once they have sent them into the Committee or to myself. That is the approach I took with the ordinance and it is the approach which I have taken here. It was unfortunate that not all heads of the Private Schools could attend, but there was representation from at least three of the Private Schools and the ministers have sent in their comments subsequently.

I should mention that the Law was sent out to the Private Schools well in advance of the sessions of the Committee. The first Committee meeting went on on 26th June, 1973, and the Private Schools did have three sessions before that. However, I think what needs to be achieved is to have all comments, whether they are only on bits or whatever they appear, to be looked at and to have a law which is what a majority of the people in these Islands regard as a good and proper law. And I plan that undertaking as I did in my short speaking to the Education Law, that I shall carefully consider these and I am sure that the Select Committee shall carefully consider them and I am sure the Select Committee will amend the law in accordance with the wishes of a majority of people in these Islands.

I would just like to put to anyone that the position is now exactly as we have in Prairie Rose's Parliamentary Practice when it says that the function of a committee on a Bill is to go through the text of the Bill clause by clause and if necessary word by word, with a view to making such amendments as may seem likely to render it more generally acceptable. And to ensure that I will have the comments from the public and from the schools in relation to it that the Committee will be able to look at and amend it in accordance therewith.

I would therefore ask that Members support the idea that we refer it to a Select Committee of the whole House.

Thank you.

MR. SPEAKER: The question is that a Bill entitled A Bill for a Law to repeal and replace the Cayman Islands Education Law, 1972, be given a second reading. The motion is open for debate.

DEBATE ON SECOND READING:

MR. BRYAN G. THOMPSON: Mr. Speaker, I think it be felt that the Members on this side are anxious to allow the Law these Bills to have the second reading without comment, I certainly would reserve to speak on this Bill before we do so.

I noticed, Mr. President, that the Member in introducing the Bill, had in his hand this copy which was circulated to Members early and I am wondering if that is in fact the Bill which we are considering or whether he is considering the amended version, the green copy. I believe there are minor amendments in the green copy as opposed to this one. There is still enough in this one to debate, but I would like to know whether I am back on it at this one too.

I am sure, Mr. President, it would be your intention that we debate the green copy.

MR. SPEAKER: I had presumed we were debating the given copy, hon.

MR. DENNIS FRANCIS: Mr. President, while it is true that as the Member piloting the Bill says that Erskine May's Parliamentary Procedure indicates the responsibility of a committee on a Bill to go through it clause by clause and word by word if necessary and change it as may be deemed necessary to make it more acceptable, I am sure that when this was written, it was under the premise that the Bill before the House would be in an intelligible form. Since there are sections of this Bill that are not only unacceptable, but in my opinion some of them are incapable of interpretation in the present form. I am going to take the position that this Bill should be withdrawn and re-submitted after a proper draft has been done.

I support the position that the 1966 Law is outmoded and should be replaced by an up-to-date Law, but, Mr. President, this Bill before us in my opinion has failed to move us forward towards modern education practices and principles, and in fact the Bill is so riddled with certain provisions that have no practical application, in inconsistencies with other laws and as we shall I think it should be withdrawn.

I would start my constructive criticism of this Bill, for the Member's sake, from the Interpretation clause and, Mr. President, I would call attention to the interpretation of "school medical officer" having been given this morning "a government medical officer appointed by the Chief Medical Officer". As I understand it, Mr. President, the Chief Medical Officer cannot appoint any medical officer. What is the function of his jurisdiction the Governor on the advice of the Public Service Commission.

A similar meaning is given to "school nurse" and again the same principle is applicable. I am sure what would be an acceptable definition here would be "a school medical officer means a government medical officer designated as such by the Chief Medical Officer" and similarly for the school nurse.

I would request to the definition of a "Government school" and I would agree with the definition given to a Government school. "Government school means a school maintained out of public funds and managed by the Education Department.". Now, Mr. President, what we come to a Private school being described the meaning to school not fully maintained out of public funds would indicate to me that all private schools would receive some minimum of public funds at all times and I do not believe that must be the intention of the Law.

It is true that Government has for many years and continues to make certain contributions to Private schools from public funds, but surely it would never be the intention in an up-to-date and modern Law to commit Government always to make contributions to Private schools. And I would have thought there a reasonable definition of a Private school would be "any schools other than a Government school.".

I refer, Mr. President, to section 4, subsection (iii). section 4 says, "In furtherance of the duties and responsibilities of the Council it may from time to time from public funds appropriated for the purpose:-", and in box (i), (ii) and Roman (iii) and Roman (iii) says, "provide in whole or in part for transporting pupils to and from any government schools or for or in connection with the maintenance of any hostel or residence, institution or organization maintained or aided out of public funds;". Mr. President, I am unable to understand what that is really intending to convey.

I refer to section 8 of the Law, Mr. President, and it says, "The Council shall have power to close Government schools which do not maintain such minimum standards as are, by resolution, prescribed from time to time.", and I wonder why this should be in a proper

MR. DENNIS H. REAVES (CONTINUING): up-to-date law. A Government school is the responsibility of the Council and the Education Department which it thereby and if a Government school does not maintain minimum standards as such, the blame for that can quite placed on the Council or the Department. The remedy should not be to close that school, but to see that it is brought up to standard. In fact, if proper vigilance is maintained, it is difficult for one to understand how the school could arrive at a situation where it does not maintain unanswered minimum standards.

In section 10, subsection (2) where it refers to the functions of the Chief Education Officer in respect to all Government schools, it says that it is the function of the Chief Education Officer to "recommend, inspect and revise the programme of education as may be required by the curriculum". Mr. President, I have scanned this Bill and nowhere do I find where the curriculum is prescribed, or who will prescribe it, or who will lay it down or who will be responsible for it. Surely, Mr. President, it would be the intention of the Member to see that that would be the function of the Council or which he, as the Member responsible for Education, would sit as Chairman and the curriculum, in my opinion, would have to be approved by the Council, but this as I see it is not enclosed in the Law.

Section 18, Mr. President, subsection (2) "Every school shall provide at least twenty-five hours of instruction each week in each year of school age for at least thirty-eight schools weeks in every school year.". Mr. President, the terminology of hours of instruction has been discontinued in educational circles for some time and one wonders whether by hours of instruction, one is envisaging the old system of a teacher standing before a class giving instruction for twenty-five hours each week. In fact, if this is the case some of the systems now in use in Private schools would not meet this criterion as I understand that those schools use a system whereby the child works on his own initiative and only calls for assistance when the child needs it.

Even in Government schools I tried to see how this twenty-five hours of instruction will stand up to scrutiny and practice. I believe that what is intended by this section and should be, in this section is to prescribe a minimum number of minutes for the week, the day or the school year.

Mr. President, I am not finished yet, but I am sure that what I have said so far indicates that this Bill really needs to be re-thought and re-drafted before it comes here for proper intelligent debate.

Section 12, subsection (2) "It is the duty of the parent of every child whose school age has not reached the requirement to cause such child to attend regularly until such child is either expelled or withdrawn by reasonable notice in writing to the school which such child attends by either the parent or the Principal.". Sir, Mr. President, I am sure that Members will agree that this is bad grammar and it should not be found in an Education Law. No child attends school by either his parent or the Principal. That part of the subsection should be removed after the words "the parent".

Now, Mr. President, I find it section 20 a very novel situation. I remember clearly when I was not a Member of Parliament, but a member of the Human Rights Association attending a meeting and advocating the lowering of the school age. I was told that it is only in communist countries that one find children going to school at three and four years old. In Eastern countries and the developed Western countries it is six or seven. I hope it was foolishness on that time, Mr. President, but I am glad to see that somewhere somebody has convinced someone that a child is in fact ready for learning when it was three years and nine months.

But the novelty I am referring to is not the fact that we are finding this provision class mentioned in section (1), the novelty I am referring to is that a primary school is defined as

MR. HENSON G. HANKS (CONTINUING): Government school shall be given to cattle who are above the age of four years and nine months and below the age of ten years." And in section 32 it says that "In relation to a Government school, no child shall be admitted to or retained in- (a) a secondary school unless he has attained the age of three years and nine months or a primary school unless he has attained the age of four years and nine months.".

The point I am making, Mr. President, as I understand it the reception class is supposed to be an integral part of the primary school or at least attached to it and if a child has to be admitted to a primary school until it is four years and nine months, where is the reception child going to be put - outside on the verandah or under a tree?

Surely the law has to embrace the privacy of the reception class? Furthermore, how would Government allocate money to pay teachers for the reception class if they do not fall under the definition of any of the schools for which Government would have the right to appropriate funds? There has to be the right to appropriate funds and somebody has to be responsible for these children and I am suggesting that the responsibility will rest with the Principal of the primary school and that this law will have to be amended to cope with this situation because I am sure we do not want the children in reception class out under a tree, unattended, or out on the verandah. They have to be put under the control and supervision of the primary school under the direct responsibility of the Principal.

I refer, Mr. President, to section 33, subsection (2) - and it says, "If a pupil over the school age is absent from school for a period exceeding thirty consecutive school days, he will be deemed to have withdrawn himself from the school and his name shall be struck off the roll.". Again, Mr. President, surely it would be the discretion to provide that such a child, if ill, could present a medical certificate to that effect and not be automatically struck from the roll.

It is not unknown for people to be ill for more than thirty days and I cannot see where Government or the Council would want to remove a student for being absent for more than thirty consecutive school days if he has a good and sufficient reason for having been absent.

I would have suggested too, Mr. President, under Part V which deals with the licensing of teachers to teach and the issuance of permits and the power to cancel the license of teachers, to have been provision for a register of teachers to be kept by the Council so that it would be simple to keep track of those teachers whose licenses have been cancelled, or whatever. And as I see it, there is no provision for a register to be kept in this Law.

And, Mr. President, I am sure Members will agree with me that I am implying as a case that this Law should be taken back to the drawing board and re-drafted and that we should not have to all those in committee and study the implementation in this Law for weeks on end wasting Government money and time to do so. Now, as might very well be, Mr. President, that in the final analysis the Law will have to be drafted by the Committee to get it in an acceptable form, but I am very pleased to place the Hansard and the Legal Department position on it in because I am sure that they did not put their best into the drafting of this Law.

Section 38 seems to me to be a very moral issue, Mr. President, where it talks about the standard of education in Private schools. And as I read this section as it is written, it is my understanding that if this were to become law, Private schools would not be able to cancel even the standards set by Government schools because this is what the section says - "Private schools shall continue and maintain

MR. DENSON O. KRAUS (CONTINUING): ... the quality and the standards of education and of teaching ... (a) in schools where the British system of education is maintained, taught or adhered to the standards which corresponds to the standards of learning in similar Government schools.....", et cetera.

Surely what is intended to be said here, Mr. President, is only that they shall maintain at least the minimum standards in corresponding those standards maintained or achieved in Government schools. But as I see this it would mean that they would not exceed the standard in Government schools and this has never been the concept in this country as regards Private schools. Private schools have served a very useful purpose and then continue to do, in fact, if it had not been for the Private schools our system here today would have been before us would have had secondary education under the Government system. It was all started by Private schools, then taken over by the Government.

I refer to section 10, Mr. President, subsection (b) dealing with the returns to be made to the Chief Education Officer in the month of July in each year by Private schools and subsection (b) says, "the number of pupils on roll and the number of teachers and staff at the end of the school years", and I am wondering what useful purpose this will serve. Surely what the Council or the Chief Education Officer should consider should be the number of teachers at the commencement of the school year and throughout. This procedure would permit a Private school to have a very discriminatory number of teachers during the year, but in order to meet the requirements of the Department would not the number of teachers within the last month of school year, if I am sure this section does not serve the purpose for which it is intended. Obviously the purpose must be that a sufficient number of teachers are present at the beginning of the school year and maintained throughout the year.

Section 11 dealing with transfer, records and registers for schools which cease to exist. I cannot see, Mr. President, why Government should be concerned about the inventory and stock of a Private school. Surely this is the concern and the responsibility of the proprietor.

Again, looking in vacuum under (b) of section 12, we find an "approved timetable". Approved by whom? And I could go on and find a number of other returns and registers that I do not consider necessary for the Private schools.

In dealing with Private schools, Mr. President, it seems to me that while it is right and proper that Government, through the Education Council, should consult with the proprietors of education in a Private school, the method of testing that school really has no relevance to the number of tests the child is given throughout the school year.

I would suggest that in this Bill, Government make provision for an independent inspectorate and that be the yardstick which is used to determine whether a Private school is successful or not.

Section 13 again, Mr. President, is a section which is unintelligible - "The Council may from time to time draw up practical requirements for the award of scholarships and may specify the subject areas for which an award is offered after considering manpower requirements of these Islands .....", and that is fine and I see what the gist is, but the rest of the paragraph under water remains of the manpower because it goes on to say, "which shall be specified from time to time by the Department of Grant recommended for manpower matters in Government or in this country.

It is obvious, Mr. President, that this Bill was not read after it was typed or written. I hesitate to use unparliamentary what was intended to be in here, but I do not see how the Member could

MR. KENNETH O. BRANES (CONTINUING): expect the public to make an intelligent criticism of this proposition. And I am going to offer the Member my interpretation of it and see if he will agree that that is what it should have been.

I believe that when the draft was written, somebody said, "By the Department of Government" and it was put down as "By the Department of Govt.", and that that was misinterpreted to mean "Govt" and it was so printed. And I believe that "unaccounted for" was "reasonable for", so that the provision would have read if originally written "from time to time by the Department of Government responsible for turnover mistakes.". But it is unfortunate, Mr. President, that an Education Bill should have been allowed to be circulated with such utter rubbish in it; and this cannot be excused on any typographical error because the Bill was circulating for months and I have had no explanation offered as to why it is there.

They did correct section 40 when it was printed on the green paper from the white one, but that was just as bad and therefore the public could not have been expected to sensibly comment on it.

I will now go, Mr. President, to the First Schedule of the Bill section 2 - "The Chairman of the Council shall be the Member of Executive Council responsible for Health, Education and Social Services.". Now in a modern, up-to-date law, Mr. President, we should not be finding this kind because the portfolio of Health, Education and Social Services is not something that is enshrined in any law or in any constitution. The portfolio could be changed tomorrow by the discretion of the Governor, Mr. President, to read the portfolio of Health, Tourism, Lands and Natural Resources. And all we are concerned here about is education, or all that needs to be in this Law is the Chairman shall be the Member of Executive Council responsible for Education. So that when the portfolio is changed, if ever, we do not have to come back here again with an amending law.

Section 3 says, "The Chief Education Officer shall be a permanent member of the Council.". Yet section 4 says, "The Governor may at any time revoke the appointment of any member.". So how can the Chief Education Officer be a permanent member if the Government can revoke the appointment?

Mr. President, the Third Schedule is the one that amuses me. I did not know that in reconsidering the Education Law, or in updating it, that it was the intention to charge all children in the Cayman Islands, school fees. But this is what I find in this law. It says, "Children who do not possess or who are deemed to possess Caymanian Status shall be charged for each school term the following fees:-". In my opinion that includes every child in the Cayman Islands.

Now I might as well state here, Mr. President, that I certainly will not support Caymanian children paying fees of this magnitude and I will say again that I am opposed to the paying of fees by any children in the system.

When this amendment was brought to obtain children who are not deemed to possess Caymanian Status about two years ago, I told them that it would not work. A little while after I asked a question whether we were collecting any of the fees and I was told that it had not collected very much because forms for collecting them were not yet printed. And then sometime earlier this year, I believe it was, we found an amendment coming in saying that we have to give the Financial Secretary power to waive these fees in certain circumstances and we find it here again as section 4 in the Third Schedule.

But, my argument, Mr. President, simply is that when someone comes into this country they pay the same taxes as do those of us who live here. They pay the same rate of import duty, they pay the same heal tax and all the rest of it. And in addition they

MR. BENSON O. FRANKS (CONTINUING): pay a work permit fee which we who possess Caymanian Status do not pay.

Most of our schools were built substantially from British grants, funds and other aid overseas and therefore I cannot see why we should make a distinction between children of expatriate parents and of Caymanian born parents. If it is felt that the schools are being overrun by expatriate children, well then I believe we have other laws that will give us remedy for that problem. And as far as I know it is a policy of Government not to grant work permits to persons, except maybe in special circumstances, who have more than two dependants in any case and that .....

MR. PRESIDENT: I am sorry, I did not mean to interrupt you in mid sentence, but I was going to enquire whether you expected to be some substantial further time or whether you were near the end. I thought ten minutes or so ago you were drawing to a close, but each time I paused wrong.

MR. BENSON O. FRANKS: Mr. President, there is not very much more of the Bill that I have marked as left.

MR. PRESIDENT: But I wondered whether having gotten to the end of the bits you would then have a .....

MR. BENSON O. FRANKS: A general submission, yes .....

MR. PRESIDENT: General submission.

MR. BENSON O. FRANKS: Yes, Mr. President.

MR. PRESIDENT: Perhaps in that case it may be convenient (I apologise for interrupting you) but perhaps it may be convenient if we do break now and I propose that we suspend proceedings until two-thirty.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Debate on the second reading of the Education Bill - the Third Elected Member for West Bay.

MR. BENSON O. FRANKS (CONTINUING): Mr. President, when we broke I had completed my comments on the Third Schedule to the Bill and frankly that concludes the comments which I intend to make on the Bill as presented. But that does not say that I have exhausted all of the irregularities and inaccuracies which exist in the Bill.

I am reminded, in dealing with this, of the officer on the ship who was ruled by a junior member to assist him with the study of navigation. The officer gave him a very thick book and sent him away and said, "Young man, read this and when you have finished you come back and we will start from here". The following day he came back with his finger stuck two pages from the back saying, "and I do not understand this". The officer said, "Will did you read the rest of it", and he said, "No I just picked out the important words". And basically that is what I did with this Bill. Just about every section in it has some error or mistake of inaccuracy in it and I could have spent much more time on it, but I do not intend to pick the Bill as much to pieces any more.

MR. DUNCAN C. EDARIS (CONTINUING): I think that I have made my case that this Bill should be taken back to the drawing board and re-presented.

But in summation, Mr. President, I want to say that I support that we need a new Education Law and in substance I do not support to have any rubbish about my having responsibility for this portfolio in the past because the time has long since passed when the present Member can use that as an excuse. He has now had the portfolio for almost seven years, so any shortcomings in the system cannot be blamed on me.

Furthermore, Mr. President, I have no apologies to make about the system which I handed over or maybe a more correct term would be to say which I was forced to hand over when I lost my seat in 1976 because whatever might be said about our system of education, I consider that it was during the years of my being responsible for this portfolio that the foundations were laid. And to be blunt about it I had to start from display the foundation and it was often over the protest of persons within the system when the comprehensive system of education was introduced; it was even the forefathers of Members of the Government of today who were then in opposition, who on more than one occasion urged that the system be scrapped and abandoned as a failure.

Well, Mr. President, in spite of that we persevered and the system everyone today is acknowledging as a good one. So the Member has something to work on; he has something to work on. He says that he has now received considerable representation from teachers and other persons and I suggest that he take these representations and with the old Education Law or some other model, bring back to us a Bill that is worthy of our consideration in a committee.

I contend that there is no way that the Member could have expected intelligent input into this document here and that it should therefore be put in the previous one and a new Bill brought for us to work on. And while I am at it, Mr. President, I believe that this is the same document that was circulated as a flyer in a newspaper and I believe under the "Voice Box", as called it, or the Printing of Public Input should be stated as printers of this document and I do not see it anywhere on it; because I believe that the public should be put on guard as to the misinformation that could put out something like this.

I hope, Mr. President, that the Member will accept the criticisms which I have given to this Bill in good faith, take them to heart and go back to the drawing board and bring us a reasonable Bill which we can intelligently study and that he can reasonably expect the public to be able to assess intelligent criticism on.

I thank you.

MR. SPEAKER: Does any other honourable Member wish to speak?

MR. DERRICK STANDS: Mr. President, if I might say, Sir, regardless of how many times it might go back to the drawing board, I am positive it would not come back perfect. In other words Members would still have the opportunity of scrutinizing it and undoubtedly find some errors or the case seems to be now.

I make my support to this Bill in principle I am prepared to go along with it to a Select Committee and I believe that to be the opportune time for Members to scrutinize it and suggest or persons what they feel would be the working machinery for such a Bill. Then it can go back to the drawing board.

I thank you, Sir.

MR. PRESIDENT: Does any other honourable Member wish to speak before I call upon the mover of the Bill and invite him to exercise his right of reply if he wishes?

HON. G. MAN HOWDEN: Mr. President, I had hoped that other speakers would have made a move however there is not sufficient time left today for my reply. However, I will countenance, Sir, an adjournment at four thirty.

MR. PRESIDENT: I may suggest procedurally briefly even before then.

HON. C. WAYNE BODDEN (CONTINUING): The Member who criticized the Bill so vociferously, ended his debate by saying that he hoped that in our reply he would not be blamed for the present system. But I could not let him the time that he has taken unto himself with for the system which the Member inherited and which, thankfully, has now been made right so that today we are able to present the type of Bill which has been presented in the House in order to deal with a much improved system of education which exists. And I cannot believe, Sir, that the Bill has been possible because of any input from the previous speaker who during his responsibility until he was relieved of his position in an educated electorate back in 1976.

I would rather like to attribute the present system to the Department of Education and particularly to not only the present Director of Education, but also her immediate predecessor. It is very clear that the work of these two good ladies has resulted in the system which has warranted a new construction of the Education Law.

In 1976 the then Director of Education did an in-depth study which revealed many of the shortcomings of our system. She was only able to carry out this in-depth study in 1975 after the present Minister for Education had totally reinvested the board which education had been to take on these Islands, but which had not yet embarked upon because it was the wisdom of the present Member for Education in 1977 who withdrew the Cayman Islands from the Caribbean examinations.

The present Member for Education even before then early in 1977 that the Cayman Islands would not be a part of the Caribbean examinations, but that he wanted to continue to use the English system whereby our children could take the G.C.E. and the C.X.E. examinations. I move my Bill support to the Member because the Caribbean examinations that they have allowed to come in and they certainly would have come in had not the present Member replaced the Member who just spoke if in his own words he had not been totally relieved of the position) are not recognised in any part of the world outside the Caribbean.

Our children today who are now going on to universities in Canada, the United States of America and the United Kingdom would not have been able to enter these institutions of higher learning had the Caribbean examinations been forced upon this country by an agreement that had been signed by the previous Minister for Education.

I know some of Members would like to see it, the curriculum of that examination and the history curriculum alone would frighten you when you look at the intended that our children would be indoctrinated in black power, communism and colonialism and would study as their heroes Fidel Castro and Muslim Rahman. It is all documented here and I would be happy to let any Member of the Legislative Assembly or any member of the public have a copy of this history.

HON. G. HALO SOLOMON (CONTINUED): The Member who would have imposed upon the Sister Islands' public the Caribbean examination but she wants to emphasize the Member who has redeemed this country from the exile supposed to be imposed upon them by the Caribbean examinations. So I must now say my piece about this and will go on to deal with the trend that has taken place since 1976 when the Director of Education, under the new Member did her student study. She identified many of the problems and these were serious problems in our educational system; problems which the previous Member had not identified, or if he had identified had not sought to improve.

So that a few of them - truancy, late entry to schools, lack of parental involvement, high enrolment of students with learning disabilities, emotional disabilities which resulted in poor discipline in the classrooms, poor promotion for infant schools, lack of qualified infant teachers, poor organization in schools with regard to curriculum, need for increased guidance and training for teachers to ensure sound educational practices in the classrooms, lack of commitment to the needs of students on the part of some teachers and while these matters dealt mainly with primary education as it existed in the Cayman Islands prior to the hurricane in 1978, they underlined the problems which the High School inherited by taking on from the primary schools children in need of high remedial care.

The new system has set about to correct the inadequacies of the system and to achieve what was left from the educational system which would have given rise of the Caribbean examinations and which as a Member earlier in 1977 put it, was to produce a new breed of Caribbean men - one who could not fail in growth. I have a copy of that article and that can be made available to Members as well. It is worth reading to see how the system had degenerated into a system that was not suitable for the Cayman Islands.

The new system has gone about to remedy the situation of children coming into school late; children will now attend compulsory, by law, on the one of four years and nine months and will also be able to attend the reception classes which were introduced by the Member who just spoke. Parents will now be able to send young children of the age of three years and nine months to the reception classes.

It is true that in the law which is so adequately covered, the primary school age for admittance is four years and nine months and it is not compulsory for parents to send their children to the reception classes. Nevertheless, the reception classes are open and those parents who want to take advantage of having the year of pre-training for their children prior to entering the primary schools can do so.

The Member said that he did not see any provision in the Law for having these children attend the primary schools and he was wondering if they were going out under the over-fifties trend, or some other statement like that. I can tell you that the children are going because that programme is already in existence and in a manner which the Chief Education Officer made a few weeks ago to the Rotary Club, she outlined what these children are going and this comes although maybe in a small group of people has been published in the newspapers and any persons who wants to, can look where these children go when they attend these reception classes.

The Chief Education Officer said that this September the entry age for the reception programme has been lowered to three years and nine months in an attempt to provide one year of free pre-school education for all our children. Reception rooms exist in all our primary schools and are staffed by teachers who have been trained in infant education. How could a Member who has so much knowledge of the educational system not know that a reception class was going in all

HON. O. HAJI (MINISTER) (CONTINUING): the primary schools in these Islands and that when parents are invited to send their children to a reception class that these children will go to the nursery schools and will be there attended to by teachers who are specially trained in infant education and they will go to rooms that have been purposely built?

I can understand rumours like he was receiving on the outside by people who are not informed, by people who are not able to have access to the information, but I certainly cannot agree that remarks are proper by a Member of the Legislative Assembly who has been elected to see that the educational programme is in order.

MR. PERCY O. EVANS: Mr. President .....

HON. O. HAJI BODDEN: Mr. President, I am not about to give way.

MR. PRESIDENT: It depends whether he is rising on a point of order or not.

MR. PERCY O. EVANS: I was merely asking .....

MR. PRESIDENT: Are you rising on a point of order.....?

HON. O. HAJI BODDEN: No, I am not going to give way, Mr. He can make the explanation when I am finished. Immediately

MR. PERCY O. EVANS: Yes, Sir, I am only ascertaining my right to speak when he is finished.

MR. PRESIDENT: Alright.

HON. O. HAJI BODDEN: Mr. President, I need not say this, but I hope he will not be allowed to speak twice in the debate. If he has a point of order that is alright.

MR. PRESIDENT: No, he may rise on a point of explanation having given notice and you not having given way, but only on a point of explanation.

HON. O. HAJI BODDEN: Mr. President, I had agreed with the Member for Education not to touch upon these committee areas, but I think my friend, the Member for West Bay, asked for this in his debate. If he had confined himself to mainly criticising the Bill rather than going into the system this would not have been necessary. In this business you should not give what you cannot take.

The matter of truancy has been given some attention. In that same speech to which I referred which sets out not only the policy, but the system as it exists, the Chief Education Officer is known to have said that Welfare works closely with the special education teachers on matters such as truancy, illness and counselling.

The matter of parental involvement is quite evident. There is now a strong Parent Teachers Association. Parents are given reports on a regular basis they have the right to come to the school and consider first hand reports. And I could go on right down the list and throughout it you will see that the new things started in 1972 will be going with.

I would like also, Mr. President, to deal with some of the comments on this Bill. This Bill is a replacement for the 1966 Education Law. This Bill is a good Bill. This Bill is worthy of the system of education which we have. This Bill is worthy of the

HON. G. HAIG BODDEN (CONTINUING): many Assistant Secretaries and officers in the Department who worked many hours so that this Bill would be a reflection of the high standard of education which now exists in these Islands.

Only this week the results of the G.C.E. examinations were published: results which we would never have seen had the Caribbean examinations gone into effect. Those results were the best ever. I read something in the newspaper about an eighty-some percent pass rate. Even the newspaper was kind enough to say that this year's results were generally encouraging.

I need not go into the details of the passes, but there were children with seven, eight and nine passes and the results were good. On the front page of another paper we see about the honor students in the Community College and while I do not have the figures at my fingertips, some five-hundred persons enrolled in adult education in these Islands. The Community College, made possible by the Government of the Cayman Islands .....

MR. DENNIS O. EBANKS: Mr. Speaker, I would

HON. G. HAIG BODDEN: Mr. Mr. Speaker, I must object to this Member being so rude. I would ask if he would, Sir, that the Honourable Member remove him until I have finished my remark. He has no right to interrupt me and he knows it.

And we also learned from the Chief Education Officer that more emphasis will be placed on technical education. It is hoped in the future to bring all the many schools that now exist on this Island Training School, the Marine Training School, the Building School; all of these will one day become part and parcel of the system.

The results from the primary schools have been very good. Some children are now coming into the system namely the High School with the need for remedial work. We have to no doubt look at how a system that is good can be in my opinion far more effective if we had adopted the Caribbean examinations and had proceeded to the G.C.E.

Now let me look at ..... no Sir, Mr. Speaker, I have been speaking without notes, but I have these pages of notes on the comments made on the Bill. Before I start with that there is one other point I must make and that is there has been criticism from certain areas that this Education Law is being rushed through the House and there is no truth at all in that comment. We heard the Member say that he had contacted all the Private schools asking them to come to meetings to discuss this Bill. He had contacted some of them in June, which is three months ago. I received a copy of the Bill from the Member asking for my comments on the 26th of June and I think the Bill had gone out to other people before that. In fact one of the comments written of the Bill which was a newspaper that was in hand type that the Bill was receiving strength, admitted that three meetings had been held, one of them in June and two in early July. That was three months ago. How can they have the audacity to say that the Bill is being rushed through? How long does it take to deal with a Bill of this nature? If this Bill had been in circulation for three months I would think anyone who was interested in it, particularly the Private schools, should have had sufficient time to go to a meeting.

I cannot believe that people who are interested in education would not find one hour in three months to deal with an important matter like this. To me their actions show that they are not interested in the Bill. I cannot think of anybody on this Island who is so busy that in three months would not find three hours to attend these meetings dealing with the Bill. So that is totally unacceptable.

I understand that some of the Private schools did have some input in the Bill and are satisfied with it. It

HON. G. BAIG BODDEN (CONTINUING): is not possible to please everybody. However, I would like to say that Government's attitude towards Private schools in the Cayman Islands is a very favourable one. We like to see the Private schools because we believe that the Private schools can offer education to children and by so doing can save Government some money.

It is a known fact that it costs several hundred dollars per year just to educate each primary school child, so that each child who goes either to a Private primary school or Preparatory school or goes on to one of the other schools of higher learning, saves the Government money and we are very happy to see them continue to serve the Islands. Government's desire to see the Private schools exist is clearly borne out by the actions of Government.

I would like to mention only a few of those actions. One can take a look at the estimates for 1981 and find that there is a substantial grant of money for Private schools. Every year this grant seems to be getting bigger and bigger and it is my hope that if the revenue can stand it, that the grants will even be bigger. This grant of money which is in the vicinity of $190,000.00 or thereabouts, is divided amongst all Private schools on a per child basis. Each school receives from that grant a sum of money in keeping with the attendance at the school.

To mention only a few other areas in which Government has supported the Private schools and to show that Government does not want to regulate them out of existence, but merely wants to show their concern about education in all schools. It is no secret that a few years ago Government leased some buildings to one of the schools for a representation so that the school would have buildings to take care of its enlarged enrolment. Government at the time was severely criticized because we had leased out Government buildings to Private schools. But I thought then and I think today that it was a good move.

Some time ago Government was able to lend money to one of the schools to further this capital expansion and construction of their buildings. This again was a very correct move for the Government.

Some time ago the Public Works Department was able to lend assistance to one of the schools in order to renovate their grounds and I think this was a good move.

A teacher is now on loan from the Government schools helping one of the Private schools because they had a shortage of teachers. This certainly does not look like a Government that wants to put a burden on the Private schools, but the Government has an obligation to see not only that every child in the Cayman Islands goes to school, but that every child receives an education which is suitable to that child and so that when the child leaves the school he can go on into employment or on to higher learning if this is what he wants to do. So the Government's emphasis always been to encourage education in the Private schools. And here again the parents of children who go to Private schools want to know that their children are receiving an education which the parents can be proud of; an education which the parents are paying for and I think that the Government would be lax in its responsibility if it did not ensure, no matter how controversial it may be, the proper education of all children in all schools in the Cayman Islands.

If I may now begin to deal with some of the matters that were raised concerning the Bill before the House. The Member had difficulty first of all in the interpretation of the law. He spoke about the school medical officer which is referred to in the Law and the interpretation says the school medical officer means a government medical officer appointed by the Chief Medical Officer and he convinced himself, because I do not think he convinced anybody else, that the Chief Medical Officer cannot appoint an officer to deal with the school.

HON. A. HAJI MOOSA (CONTINUING): It is true that, I believe it is under the Health Practitioners Law, he mentions that the Chief Medical Officer is appointed by the Governor or somebody else. That is true, but that has nothing to do with the appointment of a doctor to examine the school children, nor does it have anything to do with the appointment of a nurse to work at the schools.

He found difficulty with the definition of a school nurse. He does not believe that the Chief Medical Officer has the power to appoint a school nurse. What a ridiculous situation has arisen here on a simple matter. The Chief Medical Officer not only has the power to say which nurses can go to the schools, but he can say which nurse he wants to send to the clinics in West Bay or the clinics in North Side or Bodden Town. The Chief Medical Officer not only has the power to appoint somebody to attend at the schools to examine school children, he can appoint a medical officer to do a postmortem or to do an examination or to run a clinic; he can do any of these things. These are not appointments which need a Law. Everybody knows that in these Islands before a doctor can practice medicine he has to be licensed, he has to receive the blessing of the Health Practitioners Board or whatever it is. The Chief Medical Officer is not licensing doctors. I think this is where the confusion came. He is not licensing a nurse to work at the schools. He is not licensing a school medical officer. All that he is doing is to say which officers, from among the many officers, can work at the schools. So why should she have to go to the airport can because he does not understand the difference between the appointment of a school nurse by the Chief Medical Officer and the licensing of that nurse by the Medical Practitioners Board?

His second difficulty seemed to be an misunderstanding of the definition of a Private school. That is amazing since he understood the definition of a Government school.

Members, you know the English language: you know there are many ways of saying anything you want to say. There is only one word that can only be said in one way and that is the word no. There are a thousand ways of saying yes, but there is only one way of saying no. He had one way of saying no to this Bill.

I am not going to remain if any Member wants to offer an amendment to the definition of what is a Private school or what is a Government school. I will leave the politicians more local semantics to the dictionaries and to the lawyers, but in so doing I would humbly like to offer to the Member my understanding of what is meant here by a Private school. The Member said that he was satisfied with the definition of a Government school and the definition of a Government school means a school maintained out of public funds and manned by the Education Department. The Private school means a school not fully maintained out of public funds.

What is so difficult to understand the definition of a Private school? It is a school which according to the definition is not fully maintained out of public funds and a Government school is a school which is fully maintained out of public funds. If the Member could understand the definition for a Government school, why cannot he understand the definition of a Private school? I think what he really meant to say is that he does not accept the definition as written in the Law for Private schools. But a Private school, even without this Law - ask anybody on the street and they will tell you, is not a school which Government pays for. Anybody knows that. If you go out there and ask them, they will say a Private school is not a school which Government pays for. This does not mean that the Government cannot give that school $10,000.00 each year or cannot give them anybody's watch who need it. A Private school is a school not fully maintained out of public funds - a definition as crystal clear as any that has ever been written into any Law and why should this Law go back to the drawing-board because

HON. C. RAIG ROULEY (CONTINUING): he does not understand or does not accept the true meaning reflected in the crystal clear definition of a Private school?

The Member had difficulty with section 4 (iii) of the Law. Section 4 of the Law gives the Education Council the power to use the funds which are appropriated each year by this Legislative Assembly for the running of the school system. What should we do with the funds? Should we give them to the Planning Board or should we give them to a private institution? No, the proper place for those funds is in the hands of the Education Council to use them as the Members of the Council see fit, provided it is in keeping with the Law.

Section 4 (i) simply says that the Education Council make such provision for the carrying on of public education, which to my mind simply means the day-to-day running of the Department to see that the schools are equipped and that the teachers are paid although their salaries are a separate part of the estimates.

Section 4 (ii) of the Law provides for the conduct of all examinations and shall appoint a person to be the Local Secretary to the examination boards, but somebody has to be responsible for the use of the public funds appropriated.

The section that he really admitted having trouble with was section 4 (iii) which says, "provide in whole or in part for transporting pupils to and from any government schools or for or in common with the activities of anybody or person, institution or organization maintained or aided out of public funds". There is no wonder he has a problem with this because that section was lifted straight out of the Law which he passed in 1968. He was the architect of that Law and let me read the section and you will see it is identical to the one I have just read - "provide in whole or in part .....

MR. BENSON O. EBANKS: Mr. President, this time I am standing on a point of order, Sir. The point of order is that I was not responsible for education in 1968. I was not the architect of that Law.

HON. C. RAIG BOULDEN: We know the old Constitution. We know that he was not responsible - that was not the word used in the old Constitution. What the old Constitution said, Mr. President, was that he was associated with education .....

MR. BENSON O. EBANKS: On a point of order, Mr. President .....

HON. C. RAIG BOULDEN: ..... and it has the same connotation, Mr. President.

MR. PRESIDENT: On a point of order you must give way.

MR. BENSON O. EBANKS: On a point of order, I was not a Member of Executive Council in 1968. The Member must get his facts straight.

HON. C. RAIG BOULDEN: I never said, Mr. President, that he was a Member of Executive Council in 1968. I wonder if he will deny if he was a Member of the Legislative Assembly when this Law was passed in 1968?

The section which he has a problem with is the section dealing with the Education Council having to pay for the transportation of pupils, and this is taken straight out of the 1968 Law, we read the identical words - "provide in whole or in part for transportation pupils to and from any government schools or for or in common with the activities of anybody or persons, institution or organization maintained or aided out of public funds". And certainly if he did not understand the section, between the years of 1972 to 1976 when he had the chance

HON. G. SAIC RODDEN (CONTINUING): responsibility for education would not have had this law amended since it was his duty to have the legislation in order. So he cannot deny that he worked with this section for a period of four years.

MR. PRESIDENT: I think since the Honourable Member gave us notice that he intends to continue in full flow for the remainder of the afternoon, it may be convenient to Members if I suggest that we interrupt his speech briefly and suspend proceedings for about fifteen minutes.

AT 3:33 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:58 P.M.

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

HON. G. SAIC RODDEN (CONTINUING): Mr. President, I had been dealing with section 4 (iii) which is the section allowing for the transportation of pupils to and from any government school, and I believe the reason why this section was not clear to the Member is that the construction of the sentence could have been such that the words "to and from any government schools" could have been placed in some other part of it. The section then would have been clear because leaving out those words the clause is very clear. It says that the Council has the duty to provide in whole or in part for transporting pupils or for or in connection with the activities of anybody or persons, institution or organisation maintained or aided out of public funds. However, the words "to and from any government schools" have to be put in to qualify the transportation. So it is very clear that the Education Council has the authority to negotiate with outside people if necessary or with institutions or with organisations maintained or aided out of public funds to provide for the transportation of children to and from any government schools. So the sentence when it is broken down is very clear.

I must admit that the construction seems to be a little out of place, but as I mentioned earlier it was lifted in its entirety from an older law. But there can be no doubt as to the meaning of it and it plainly seems that the Council has the authority to provide transportation for pupils to and from any government schools and that they also have the authority to pay for this transportation out of public funds and they also have the authority in so providing the transportation to do business with persons, institutions or organisations paid for, maintained or aided out of public funds. So I do not see how the Member could have any difficulty with understanding that section.

I could go on - there are five more sub-sections in clause 4 of the Bill, but I hope I have given enough illustrations in the first three so that on a closer reading of the Bill the Member will be able to grasp the meaning which seems to have eluded him so far.

Section 4 of the Bill seemed to have given some problems again. "The Council shall have power to close Government schools which do not maintain such minimum standards as are, by regulations, prescribed from time to time.". It is very plain, the Council can close down a Government school if the Government school does not maintain the minimum standards set by the regulations.

The Member seems to think that this should not be so. It is a Government school and the Government should improve the system if it is not up to standard, rather than simply do away with it. It is a very broad section and there may be certain reasons why the school

HON. G. NEIL BORDEN (CONTINUING): should be closed rather than bringing up the standards.

We have standards in the schools regarding the pupil-teacher ratio and suppose this was out of line; but if we had a school in a small district and that school for some reason or other failed to maintain the attendance of sufficient number of children to warrant the overall expenditure on the school. This is one reason why the school should be closed because it does not maintain a standard which is suitable to the Government, and the Chief Education Officer should have the power to close down such a school. There is no reason why she should go out to other districts and try to cajole parents to send their children to the school. I could go on and name other examples why a school should be closed rather than bringing up the minimum standards.

Naturally, if it is a Government school and there is something wrong the Council is not going to close the door right away. The Chief Education Officer will do whatever is necessary to bring the school up, but if for some reason or other the standards cannot be brought up the Council has the power in the Law to close the school down.

Section 10 (2) gave the Member some reason for concern and section 10 (2) is the section which gives the Chief Education Officer her powers under the Law, or some of them. Has any Member could have any question on this section do beyond me. If we do not give the powers to the Chief Education Officer, should we give them to the Director of Public Works or the Chief Executive Officer in Planning? These powers must be given to the officials in charge of the Department.

The Member seemed to have had more trouble with section 10 (2)(b) than with the other subsections of 10 (2). All that (b) in this section does is to give to the Chief Education Officer the power to supervise, implement and review the programme of education as may be required by the curriculum. If these powers are not given to the Chief Education Officer, to whom may we delegate them?

I mentioned in the beginning of my debate how the previous Chief Education Officer had gone through the school system and discovered areas that were wrong and made recommendations. Our Chief Education Officer today must continue to do this and in order to function effectively she, the officer, must have the power to supervise, implement and review the programme of education as may be required from time to time by the curriculum. If these powers are not granted to the Chief Education Officer, what will happen to our school system since we live in a changing world and technology is changing, the education to keep up with that technology is changing and naturally the Chief Education Officer must change the curriculum of the schools from time to time. It is an ever changing system and this is perhaps the most important power given to the Chief Education Officer. This power cannot be taken away from the officer; it cannot be curtailed and her authority under this Law cannot be diminished in any manner at all whether a Member understands the significance of the section or not.

Section 18 (1) and (2) deals with the subject of compulsory education. It simply makes education compulsory for all children of school age. Subsection (2) says that every school shall provide at least twenty-five hours of instruction each week in periods of school as set the Member seemed to have had problems with this subsection and feels that we should change it. I do not know whether twenty-five hours a week is sufficient or not, but I believe there should be some minimum standard and if a child goes to school five days a week for five hours a day, Monday through Friday, this is not an unreasonable burden.

Now I understand that some of the private schools might have some objection to that subsection and in fact the Member who criticised twenty-five hours a week for which a child should

MRS. C. HAIT MOHAM (CONTINUING): go to school, went to great length to say that this twenty-five hours of instruction might not work so well with the Indian schools where they have a system that the children sometimes work on their own. Well I would take it that when the Law requires twenty-five hours of instruction that would include special assignments which a child might do on his own. For example if one particular teacher thought that his class should come to George Town and visit the Government building rather than spending the day in Bodden Town, this would be a part of the child's instruction.

I do not read this section as meaning that the child must sit in the school room from nine o'clock in the morning until three o'clock in the evening. It is just setting down a minimum length of time for instruction. So you could well have, particularly in the higher classes, children doing their 'O' levels in the High Schools who have the ability to work on their own and instead of spending the whole day in the school the teacher might want to send them to the public library to research material - this is a part of the learning process. So I do not see anything unreasonable in this subsection.

The subsection goes on to say that the child must go to school at least thirty-eight calendar weeks in every school year. In other words for fourteen weeks the child is not compelled to go to school. We have three and a half months holiday in the calendar year - fourteen weeks when he is not required to go to school. So what is so difficult about this subsection?

I know that in Cayman probably ninety percent to ninety-nine percent of all parents want their children to go to school, but I believe that you might find the odd person who might not care whether the child goes to school or whether the child goes to school on a regular basis, or whether he spends the required number of hours in school. I think it is necessary to have the law and I do not think the requirements harsh, particularly to only thirty-eight calendar weeks and only twenty-five hours can work on instruction, are onerous requirements.

Another one of the amusing things that I heard this morning about this law is that the Member had difficulty with section 14 (2) of the Law which says, "It is the duty of the parent of every child given school age who receives registered at the Government to cause such child to attend regularly until such child is either excelled or withdrawn by reasonable notice in writing to the school which such child attends by either the parent or the Principal."; and that is amusing since I mentioned earlier that the Member was a Member of the Legislative Assembly when the old Law was passed and that he worked under it from 1972 to 1976 as the Member responsible for education. What we find in section 14 (2) of this Bill before the House has been lifted out of section 81 (2) of the old Law which reads - "It shall be the duty of the parent of every child above school age who remains on the roll of any school to cause such child to attend regularly until such child is either excelled by the Council or withdrawn by a full terms notice in writing by either the parent or the Principal.". So members could go through this if they have the time and I would ask them that before we meet tomorrow that they take this old Education Law and compare it with the green Bill which is before the House and they will find that probably eight out of every ten subsections made up of this Bill were sections which were lifted exactly from the old Law. So why is the Member having difficulty with it now?

I need not deal with the age of attendance because I clarified that earlier that the compulsory age is from four years and nine months up to sixteen. Children can attend the schools after the age of sixteen, but they are not compelled to do so by law, but if a child is doing his exams or wants to remain in school he can

HON. C. FAIR BORDER (CONSTITUENCY): be allowed to remain I think until he is nineteen.

Also it is not compulsory by law, but a moment may send a child to school from the age of three years and nine months when the child will be taken into a reception class specially manned with qualified teachers to deal with that age group.

The requirement which caused to have given the most problems to the Member is found in section 35 (7) and reads - "If a pupil over the school age is absent from school for a period exceeding thirty consecutive school days, he will be deemed to have withdrawn himself from the school and his name shall be struck off the roll.". The reason why the Member did not understand section 35 (7) is because he failed to read the following subsection (8).

Subsection (8) says, "If a pupil under the school age is absent from school for a period exceeding thirty days, the Principal shall advise the Chief Education Officer who may then require the parent or guardian to attend at the Department to explain the continued absence of such a pupil.". So if he will read not only subsection (7), but also subsection (8) his mind should be clear on what is meant by subsection (7).

Subsection (7) only says that if a child is absent for a period exceeding thirty consecutive days, he will be deemed to have withdrawn himself from the school, but it goes on to say in subsection (8) that if this situation arises the teacher must notify the Chief Education Officer and the Chief Education Officer may then require the parent or guardian to attend at the Department to explain the continued absence of such a pupil. And if the child were sick, as the Member mentioned in his illustration, naturally the school would accept that the child is sick and the child would be in attendance to school and there would be no penalties. The parent would have no problem in explaining to the teacher the absence from the school.

Now if the child is over school age and not compelled by Law, the Government is not too concerned whether the child attends or not. The understanding is that the policy has always been that for a child to attend school over the school age, that child must meet these requirements which are regular attendance, good behaviour and diligence in work and I think that policy will endure. So I cannot see how the Member can have all of these difficulties with this Bill.

I have no objection when we come to the stage of dealing with the section, but this is where the promise was made. The Member said something about the Bill going to a Select Committee that it should go into a recess and come back. And he implied that, I wrote it down, we are wasting Government time and money. I never thought I would hear that from a Member of this House that either be a Committee to study an important Bill like the Education Law is wasting Government time and money. I can only speak for myself: I have been elected as an Elected Member I have an obligation to sit in a Committee whether it be five days or ten days and study, and have my own input into any legislation or any matter that is referred to a Select Committee from this House and it is in fact a waste of Government money and a waste of Government time for us to take this Bill to a Select Committee.

Section 34 dealing with the standard of education in Private schools says that Private schools shall maintain and maintain the quality and the standards of education and of teaching in schools where the British system is used, the standards which approximate to the standards of learning in similar Government schools or in the case of schools of higher education, those the equivalent in similar institutions in England in schools where any other system of education is maintained the standards shall approximate to the standards in paragraph (a) of this section.

HON. G. KATE MUDDEN (CONSTITUTIONAL): The amendment that the Member made was if this was strictly enforced it would be illegal to allow for the Private schools to have a better system of education than the Government schools. I do not know who put that idea into his head, but it certainly did not come from section 33 of this Bill.

All that section 33 says is that the Private schools must have standards which shall correspond to the standards laid down in paragraph (a), and the standards laid down in paragraph (a) are simply that where the British system of education is maintained, the standards in the Private schools have must be similar to the standards of learning in similar Government schools or in the case of schools of higher education, then the equivalent in similar institutions in England or in such other country as the Council may in writing specify. Could it be any clearer?

All the Law is asking is that if there is a Private school, the system of education must approximate that of the Government schools. It does not say that it cannot be better. It does not say that it cannot even be worse. It says it must approximate and everybody knows the meaning of the word approximately. It is a word which does not give a precise count to anything. You may say there are approximately three hundred people in the building: there might be three hundred and fifty, there might be two hundred and ninety-nine. So that section simply says that the Private schools must maintain standards which are approximately the same as the Government schools. It does not say that the standards cannot be better. It does not even say that it cannot be worse. It says it must approximate.

Section 33 of the Bill, this is perhaps the most amazing misunderstanding of the Bill. Subsection (1)(b) - he could not understand why the Private schools must send in the month of July to the Education Officer the number of pupils on roll and the number of teachers and staff at the end of the school year. He said it would be better if they sent the number of teachers and staff at the beginning of the school year and that it would not serve any purpose if it was sent at the end. The reason why he misunderstands this subsection is because there was not a full understanding of section 35(1), or a full reading I should say, because section 35(1) says, "In the month of July in each year the proprietor of a Private school shall furnish the Chief Education Officer with a return in respect of the previous school year ...". So the return is not only the teachers on the roll in the month of July when the school year ends, but they must furnish, and this is what the law says - "... the Chief Education Officer with a return in respect of the previous school year...". So it does not only just to the 31st of July and it is not just the number of pupils on the roll at the 31st of July, nor the number of teachers who were on the roll at the 31st of July, but the return according to section 35(1) is in respect of the previous school year which, as I said, ends on the 31st of July.

If the argument is right, look at how foolish we would be because in the return under paragraph (d), the school has to send in the percentage of attendance of the total possible attendances for the pupils on roll and how could you send in the percentage of attendance for one day only - the 31st of July. So the whole section must be read. This is not like where I dealt with section 33 (7) and (6) because (6) followed (7) and I assumed that be stopped at (7). But in this case the qualifying statement was made at the beginning of the section and could only be followed if it had been read in one like he told about the little boy reading the book when he was studying multiplication. So if you read the whole section it does make sense, but do not just rely and say that the school must send in the number of pupils on the roll and the number of teachers and staff at the end of the school year and that does not give the Chief Education Officer any information that is worthwhile. That is not so.

HON. G. MAIG BODDEN (CONSTITUENCY): Section 40 .....

MR. PRESIDENT: If the Honourable Member has finished with one particular section, I think we have already just passed four-thirty and probably should adjourn.

HON. D. H. FOSTER: I just want to say, Mr. President, that all the while-time there was some talk amongst Members that they might want to carry on a little longer this evening and in which case I would ask for the concurrence of Honourable Members. But I do not know what their wishes are.

MR. PRESIDENT: I would have thought we would probably finish tomorrow quite easily. I do not know how much longer the Honourable Member intends to .....

HON. G. MAIG BODDEN: Well it depends, Mr. President, if I have to continue this evening I could probably go through another two hours. If on the other hand we were back fresh tomorrow morning and the Members prefer that I do not have a lengthy speech, I will try to keep it to five or fifteen minutes.

MR. PRESIDENT: It is the duty sound if you were more refreshed than and could finish in five minutes, but you might be refreshed in the morning and would go on for two hours in the morning. I am in Members' hands. If any Member wishes to propose the suspension of Standing Orders in order to enable us to continue, the matter can be considered. But I would have with Members' help that we would probably manage to finish tomorrow.

I sense that Members do not favour staying where one way or the other.

MR. CRADDOCK FRANKS: Mr. President, I would have that be good faith he would finish tomorrow and in which case I would propose that we adjourn at this time. If we need any extra time let us be prepared for it tomorrow.

MR. PRESIDENT: Yes.

HON. MICHAEL J. HENSON: Mr. President, Sir, I was just analysing - we have quite a time tomorrow the committee, second and third reading stage of a sixth Bill; the third reading stage of a sixth Bill; the third reading of the second reading of the Interest Rate Government Motions and two Private Members' Motions. I think it is almost certain that if Members wish to finish by tomorrow that we will be suspending Standing Orders tomorrow afternoon at four-thirty instead of twelve. But perhaps Members would be more prepared tomorrow to have a long session and finish it off.

MR. PRESIDENT: And also my impression is that committee stage amendments gets passed through very quickly. I do not know whether they will with these Bills.

I sense that Members would probably like to break off now. Maybe if you would care the adjournment we will see. If Members do not agree they can say so.

ADJOURNMENT

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until ten o'clock tomorrow morning, Sir.

QUESTION PUT: AGREED. AT 4:45 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TUESDAY, 13TH SEPTEMBER, 1983.

THIRD MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON TUESDAY, 18TH OCTOBER, 1983

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON. D.H. ROBERTS, OBE, QHC, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR EXTERNAL AND NATIONAL AFFAIRS
HON. MICHAEL J. BRADLEY, MLA	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION
HON. T. C. JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON. JOHN E. McLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON. TRUMAN M. ROBSON	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON. JAMES M. BODDEN	MEMBER FOR TOURISM AVIATION AND TRADE
HON. O. NEIL MOODY	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR. J. CARETON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. ORRISON O. ROBINS	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 NORMAN BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. CHARLES L. KIRKCONNELL	FIRST ELECTED MEMBER FOR THE SISTER ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT. MABRY M. KIRKCONNELL	SECOND ELECTED MEMBER FOR THE SISTER ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CHALMERS BRAMS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THIRD DAY

TUESDAY, 18TH SEPTEMBER, 1973

1. QUESTIONS

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF CAPETOWN TO ASK THE HONOURABLE YOUNG ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 95: Would the Member state the reason why the lighthouse on Robbenaid Bay has been allowed to deteriorate in such a manner causing it to rust to pieces?

NO. 96: Will the Member state when the names of streets and roads in the Langa Township area will be posted?

THE SEVEN ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LABOUR ISLANDS TO ASK THE HONOURABLE YOUNG ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 97: Would the Member state what progress has been made in connecting the new West and East of the Staff Road now under construction and Crown roads on the low land?

NO. 98: Would the Member state when actual construction will commence on the airport apron and terminal building at Garland-Smith airport?

THE FIRST ELECTED MEMBER FOR THE SEVEN ELECTORAL DISTRICT OF CAPETOWN TOWN TO ASK THE HONOURABLE YOUNG ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NO. 99: In an effort to improve the control of traffic, is it Government's intention to install other traffic lights at other intersections in the Capetown area?

THE THIRD ELECTED MEMBER FOR THE SEVEN ELECTORAL DISTRICT OF CAPETOWN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 99: a) Would the Member state the cost incurred to Government on the two trials of the Crown versus Counsman relating to the cooking case recently heard before the Magistrate's Courts; and

b) what was the amount paid to Crown Prosecutor in the two trials?

2. GOVERNMENT BUSINESS

TITLE:- The Education Bill, 1973 - SECOND READING (Continuation of debate).

COMMITTEE STAGE

(i) The Liquor (Licensing (Amendment) Bill, 1973
(ii) The Roads (Amendment) Bill, 1973
(iii) The Public (Amendment) Bill, 1973
(iv) The Partnership Bill, 1973

SECOND READING

(i) The Liquor Licensing (Amendment) Bill, 1963
(ii) The Youth (Amendment) Bill, 1963
(iii) The Radio (Amendment) Bill, 1963
(iv) The Partnership Bill, 1963

THIRD READING

(i) The Liquor Licensing (Amendment) Bill, 1963
(ii) The Youth (Amendment) Bill, 1963
(iii) The Radio (Amendment) Bill, 1963
(iv) The Partnership Bill, 1963

(b) GOVERNMENT MOTIONS:

(i) GOVERNMENT MOTION NO. 4
PROPOSED AMENDMENTS TO THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1962

TO BE MOVED BY THE HONOURABLE SECOND SELECTED MEMBER FOR EXECUTIVE COUNCIL.
TO BE SECONDED BY THE THIRD ELECTED MEMBER FOR WEST BAY.

(ii) GOVERNMENT MOTION NO. 5
APPROVED ESTABLISHMENT OF CAYMAN ISLANDS COURT OF APPEAL
(AMENDMENT TO THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1962

TO BE MOVED BY THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL.

IT IS RECOMMENDED BY THE THIRD ELECTED MEMBER FOR WEST BAY.

X. PRIVATE MEMBERS' MOTIONS

(i) PRIVATE MEMBER'S MOTION NO. 2
(AMENDMENT TO THE MEDICAL CARE (GRANTS) LAW (1961 REVISION) CAP. 69)

TO BE MOVED BY THE FIRST ELECTED MEMBER FOR WEST BAY.
TO BE SECONDED BY THE THIRD ELECTED MEMBER FOR GEORGE TOWN.

(ii) PRIVATE MEMBER'S MOTION NO. 3
CRICKET CAMP

TO BE MOVED BY THE THIRD ELECTED MEMBER FOR WEST BAY.
TO BE SECONDED BY THE FIRST ELECTED MEMBER FOR GEORGE TOWN.

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TUESDAY, 13TH SEPTEMBER, 1983
10:00 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Questions. The Third Elected Member for George Town.

Q U E S T I O N S

THE THIRD ELECTED MEMBER FOR THE SOUTH ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS.

NO. 24: Would the Member state the reason why the lighthouse in Rankworth Bay has been allowed to deteriorate in such a manner causing it to rust to pieces?

ANSWER: Government does not know the special reason why the iron structure of the lighthouse has rusted. All iron materials rust when exposed to salt air.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, a supplementary. My question was "Would the Member state the reason why the lighthouse in Rankworth Bay has been allowed to deteriorate", I am quite aware of the fact that iron will rust. I am asking the reason why, and I would like to have an answer to my question, please.

HON. G. CRAIG BODDEN: Mr. President, the lighthouse, as far as the service of providing a beacon to ships has not deteriorated in any way. The light functions properly. There is a scientific reason why metal rusts and I am not an authority on that, but I would say that this particular lighthouse has been in operation for more than 60 years and it is not unreasonable for the iron structure to rust over that period, because it is very close to the sea and has received 60 years of salt spray. I cannot say why it was allowed to rust no more than the Gleaner take a roll on iron structures that have been exposed for more than 60 years. But the service has not deteriorated one bit and can be functional for another couple of years. Of course, Mr. President, I may add that the Port Authority is in charge of lighthouses and knows the condition of this lighthouse; an answer was given here in this House sometime ago that the Port Authority would look into the matter of the replacement of this lighthouse and negotiations have been going on. Sometime late last year the Port Authority instructed one of its Members who I think, was Capt. Shalby Hydes, to enquire from the owner of the land on which the lighthouse stands, whether he would be willing to sell the property to Government.

It is my understanding, Sir, that Government does not own the property on which the lighthouse in West Bay stands; it is also my understanding that during the time of Commissioner Cardinal he went down to West Bay one evening and said this would be a good place to put a lighthouse, and the next morning they started construction and so the lighthouse stands on land which I understand is owned by the family of one George Reynold Hydes.

HON. O. BAIN: HOUSING (CONTINUING): The Port Authority has been in contact with Mr. Hyde and he has now agreed to sell to Government a portion of that property on which we plan to erect another lighthouse. This decision is a good one and both Government and Mr. Hydes will benefit from this arrangement. The lighthouse seems to stand almost in the centre of the man's property, from what I can see on the map and if it remains there it makes his property of less value than it normally would be. If he sells us an irregularly-shaped corner of the property and we place the lighthouse on it, the man's property will become more valuable to him than it is at present. On the other hand Government itself will benefit by erecting about 20 yards from where the present lighthouse stands a new lighthouse. Government's benefit will be that there will be no disruption in the service provided by the lighthouse, because it is there not for aesthetic values, not to please the eye, but to provide a safe beacon to all ships that pass by.....

MISS ERNIE MARIAN BODDEN: Good.

HON. O. BAIN BODDEN (CONTINUING): And the Port Authority has this matter well in hand and the time will come when negotiations have been completed that a new lighthouse will be erected just about 20 yards away from the existing structure and when the Admiralty in London have been informed that a new lighthouse has replaced the old one, and when the chart has been changed - because this is not a simple matter, Mr. President - you just do not shut down the lighthouse and put another one up - you have to notify the shipping authorities so that the charts can be changed and the mariners can be notified and when all these things have been done, Sir, the new lighthouse in all its gleaming splendour will again be out. But we are not prepared to be pushed by anybody who wants to make a political football out of this lighthouse.

We noticed sometime ago that a particular newspaper had even taken upon itself to carry a feature article on this, but the Port Authority will not be pushed in this very important exercise; they have gone about it in what we consider a reasonable manner. If there had been any deterioration in the services of this lighthouse we certainly would have moved with quickened speed to replace it, but there has been absolutely no deterioration in the service and we cannot be pushed into taking a step which would create a danger to shipping and that is the stand I will endeavour to support, Sir.

MR. BRONSON O. EBANKS: Supplementary, Mr. President. I was wondering if the Member was giving a scientific answer to the Lady's supplementary question?

That is not my supplementary, nevertheless. My supplementary is: the Member said that the effects of the elements on iron is a scientific process. Is the Member aware that there are also scientific processes available to retard and prevent the effects of the element rusting iron, and that there are common-sense approaches to replacing iron that has rusted?

HON. G. HAIG BODDEN: Mr. President, the rusting process did not start three years ago when I took over this portfolio. Why did not the Member who has asked the question and who seems to have the answer, why did not he take the steps when he ran the Government to prevent the rusting which has been going on f-

HON. C. RALPH BODDEN (CONTINUING) for probably the last 40 years out of the 50 years that the lighthouse has stood there.

What is more remarkable, Mr.President, is that the lighthouse stands in the constituency of this Member and one would have thought that if Government would not move to paint it he, who is a pretty reasonably well-pinned man would have arranged with somebody to paint the lighthouse over the last 50 years.

MISS ANNIE HULDAH BODDEN: Mr.President, this is barely a statement, Sir. I had almost made up my mind not to be a candidate in the forthcoming election, but I see it is more imperative that I be here.

I would just like to say, Sir, and ask the question - is there any objection if I buy the paint and have it painted at my expense, because it certainly needs it.

HON. C. RALPH BODDEN: Certainly, Mr.President, we would appreciate any improvement in the aesthetic value of the lighthouse which the Member can give, but I would say that you know her money and her efforts could better be directed in other areas, because that lighthouse will be replaced shortly. The matter is in the hands of the Port Authority; negotiations, I understand from Lands and Survey Department are about complete. They have agreed on the purchase of a part of this property and I do not know if there is any more that we can do.

I would suggest that if it troubles the eye of the beholder that she should seek a different route than she is traversing this afternoon.

MISS ANNIE HULDAH BODDEN: Mr.President, Sir, am I to understand that this Governing Body are going to control whom I drive my car on Sunday afternoons?

HON. C. RALPH BODDEN: Mr.President, that is not the intention of the Governing Body: I am only making a suggestion which would relieve the aesthetic senses of the Lady Member.

MISS ANNIE HULDAH BODDEN: Mr.President, Sir, as a Member of this Assembly, it is my duty to point out things I see anywhere.

HON. C. RALPH BODDEN: Mr. President .....

HON. MICHAEL BRADLEY: Mr.President, Sir, I think we have strayed far from.....

MR. SPEAKER: I was just going to say that, you know, I may have to use my gavel unexpectedly. We have strayed a little bit far from the original question and whilst one wishing to offend any Member's sense or sensibilities, I think perhaps we should now move on to the next question, so I will invite.....

CAPT. CHARLES KIRKCONNELL: I would like to ask a supplementary, Sir.

MR. PRESIDENT: Well, if it is a supplementary that brings us back to the straight and narrow path.....

CAPT. CHARLES KIRKCONNELL: Mr. President, I would like to ask the Member of the Port Authority has a maintenance programme and if he can state when the structure for the lighthouse was last chipped and painted?

HON. G. HALE BOGGS: Mr. President, I do not know the answer to that question, but I can get the answer for the Member if he so wishes.

MR. J. WARREN SMITH: A supplementary, Mr. President. Would the Member give this Honourable House the assurance that this will be looked into immediately?

HON. G. HALE BOGGS: Mr. President, I do not understand what he means by "immediately", whether he means at 10.30 or what, but I have said that the Port Authority and the Department of Lands and Survey have reached a verbal agreement with the owner of the land to purchase the property. As soon as the purchase is completed and the Port Authority has been notified that Government is the owner of the property, the Port Authority will proceed to reconstruct the new lighthouse.

MR. PRESIDENT: If there is no further supplementary I will ask the Third Elected Member for George Town to ask the next question standing in her name on the Order Paper.

THE THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS

No. 58: Will the Member state when the names of streets and roads of the George Town area will be posted?

ANSWER: There are a number of streets that are required to be posted and scheduled before road signs can be posted.

MR. CRADDOCK BODDEN: Mr. President, a supplementary with an addition: Could the Member say when this may apply to the whole Island?

MR. PRESIDENT: I am not sure that is strictly a supplementary: If the Member has the information and wishes to reply, I will allow him to do so, but I could.....

HON. G. HALE BODDEN: Mr. President, unfortunately, the street-naming committee was not set up under the Department of Public Works; the committee functions under the Department of Agriculture, Lands and Natural Resources and I believe the Financial Secretary for Agriculture was the Chairman of the Committee.

My understanding is that an exercise was carried out in all the districts and that names were chosen for the streets. In the case of George Town there still remain some 40 roads which will have to be posted and

HON. C. RAIG BODDEN (INTERPRETED): scheduled under section 8 of the Roads Law before the names are put up.

Public Works involvement will be to erect the road signs when they are satisfied that the roads have been properly scheduled. It is an exercise that will take some time because hundreds of roads are involved in the exercise which is under the hands of the road-naming committee, but certainly we will be prepared to act as quickly as we can to erect the proper road signs once all the minor preliminary work has been carried out.

MR. CHADDOCK EBANKS: Mr. President, I served under this Committee last year and I was further informed later from the Planning Department that the erection of signs for the roads throughout the Island would start approximately the middle of this year. So that is why I asked the question, as I have seen no signs on any I go any place.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for the Lesser Islands to ask the next question.

THE SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DIVISION OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS,

NO. 80: Would the Member state what progress has been made in granting the new East and West of the bluff Road now under construction the access roads on the low land?

ANSWER: The Chief Engineer and Chief Surveyor are working together to have the necessary boundary plans prepared. As no funds are available at this time for construction, it is not considered a priority project, but it is expected that the plans will be completed before the end of the year.

CAPT. MARK KIRKCONNELL: Mr. President, supplementary. Would the Member state if any arrangements are being made for the granting of the right-of-ways for the access roads on the low-land. I do consider this a priority item. As it is now, the fire-truck nor the garbage collection truck cannot reach certain areas, neither can certain people to lands which they want to cultivate, so I do consider the low land area a priority.

HON. C. RAIG BODDEN: Mr. President, we have been looking at these access roads and sometime ago, when I visited Cayman Brac, along with the District Commissioner, we identified some of these roads and a list has been prepared and the Lands and Survey Department will be making the necessary surveys and these roads will be gazetted.

I might add that most of these roads are very narrow, in fact some of them cannot admit any vehicular traffic, but the roads will have to be widened and improved. They are all very short roads and usually end in a dead end when they reach the foot of the bluff. But this project is receiving some attention.

CAPT. CHARLES KIRKCONNELL: Mr. President, will the Member assure this honourable House that the roads from the low-land will be given priority and attended to as quickly as possible.

HON. G. HAIG BODDEN: Yes, Mr. President, of course I doubt that any substantive expenditure will be made during this year. Members know that the road vote for this year was seriously curtailed. The Public Works Department received an allocation in the Estimates which was something like one and a half to two million dollars below their requirement and all road work this year has been curtailed because of lack of funds in the estimates, but I can say, if the Members from Cayman Brac want these roads treated as a priority there is no reason at all why sufficient funds cannot be found to start the work earlier next year.

MR. BENSON O. EBANKS: Supplementary, Mr. President. Is the Member assuring the House that funds will be in next year's Estimates to put this work in progress?

HON. G. HAIG BODDEN: That is a wide question, Mr. President, because the request really has to come from the Member in charge of Cayman Brac affairs, which happens to be the First Official Member. He is responsible for making up the Estimates for Cayman Brac, but I would say that if we receive such a request I would certainly support the idea of giving priority to these roads, but it is entirely up to the Members from Cayman Brac and the First Official Member, whether they treat this on a priority in the money that will be allocated to Cayman Brac.

I would think it is very necessary to have these roads widened and I would support any move on the part of the Member responsible, to have this included in next year's Estimates.

MR. PRESIDENT: If there is no further supplementary, I will invite the Second Elected Member for the Lesser Islands to ask the next question, standing in his name.

THE SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS TO ASK THE HONOURABLE FOURTH NOMINATED MEMBER OF EXECUTIVE COUNCIL HONOURABLE FOR COMMUNICATIONS AND WORKS.

MR. ?: Would the Member state when actual construction will commence on the airport apron and terminal building at Gerrard-Smith airport?

ANSWER: The design of the new terminal building and apron facility at Gerrard-Smith airport is presently being carried out. It is expected that work will commence sometime during the first half of 1984.

CAPT. HARRY KIRKCONNELL: Mr. President, a supplementary. Could the Member state when the Terminal Building will commence?

MR. PRESIDENT: My understanding was that that was carried, but perhaps.... I have not seen the answer.

HON. JAMES M. BODDEN: It is expected that it will start sometime during the first half of 1984, of course it could run over into the last half of 1984.

MR. PRESIDENT: I think the answer to the supplementary was contained in the original answer.

MR. BRIAN McCANN: A supplementary, Mr. President. Is the answer that the work on both the apron and the Terminal Building will progress simultaneously?

HON. JAMES M. DOOLEY: Probably will - a lot will depend on the money that is probably voted next year.

CAPT. CHARLES KINSCHNEIL: Supplementary, Mr. President. Could the Minister state how far advanced is the design of the new Terminal Building at this present?

HON. JAMES M. DOOLEY: They have not yet been submitted to the EDF for their approval.

CAPT. CHARLES KINSCHNEIL: Mr. President, am I to understand that the design must be submitted to EDF before we can get the funds?

HON. JAMES M. DOOLEY: You are answering correctly.

MR. CHADDOCK EVANS: Mr. President, a supplementary. Could the Member say if this will be an improved building to the existing one or a new building in toto?

HON. JAMES M. DOOLEY: A new building is planned.

MR. PRESIDENT: If there is no further supplementary, I will invite the first Elected Member for George Town to ask his next question.

THE FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE SECOND ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR COMMUNICATIONS AND WORKS.

NO. 89: In an effort to improve the control of traffic, is it Government's intention to install other traffic lights at other intersections in the George Town area?

ANSWER: The final additional lights will be at the junction of Fort Street and North Church Street. These are presently being installed. Whether other lights are installed will depend on the effect of the Fort Street/North Church Street lights on the flow of traffic.

MR. CHADDOCK EVANS: Mr. President, a supplementary. Could the Member say whether there are other street areas that are just as important for traffic control by street lighting as the present one that is under construction.

HON. G. HAIG HURLEY: The answer is yes, Mr. President. There are other areas that are considered just as important as the one we are doing, but the advice we received from the engineers who were consulted on the erection of these lights has been that we should not rush in and put down half a dozen street lights; we should put them up one at a time and wait and see the effects of these lights on different areas before we go on to the installation of another light.

When the light is installed at Fort Street and North Church Street we will first assess the impact on traffic.

I might also add that construction

HON.C.RAIG BODDEN (CONTINUING): has started on the question of this light that when the light is installed Fort Street, from the corner here by Albert Panton street down to North Church Street will be turned into a two-way street. It is now one-way and this is going to make a major change in the flow of traffic in that it will make it much easier for people in the afternoon, especially, to get on the North Church Street going to West Bay, and this is going to make a major change in the flow of traffic the present time.

There are only three exits getting to West Bay and that is by using Shedden road, Mary Street and Eastern Avenue, however, when this light is installed we can then look at other areas.

It is my belief that the third light will be put on the junction of Hospital road, Walker's Road and Smith's Road. The reason for this is that on a manual traffic count it was discovered that in a peak period there were 700 vehicular movements at this intersection and the volume of traffic there now seems to warrant the installation of traffic lights.

I may add, Sir, that traffic lights, while they are good in improving the safety standard of the road, also bring with them one evil effect and that is that the traffic light tends to slowdown the movement of the vehicles in that it will hold the vehicles stationary, at a time when, if there was no light, the driver might have been able to move on on their own efforts. So the matter is under active consideration, but I would ask Members to be patient with the Department and let them assess the impact of each light before they move on to the installation of other lights.

MR.BENSON O.ANNIS: Supplementary, Mr.President. Would the Member state whether careful consideration was given to the point at which this second light is being installed and whether, in his opinion, it might have not been better to have installed that light at the junction of Mary Street and Church Street or Eastern Avenue and Church Street to have given traffic an opportunity to filter out between the lights?

HON.C.RAIG BODDEN: Mr.President, there is a lot of merit in what the Member has said. It has been remembered, however, the particular point at which this light is now being installed is in the centre of the town. The traffic, when Fort Street becomes a two-way street will be moving onto the busiest part of North Church Street and North Church Street is the major road leading to West Bay. Coming out from Fort Street onto North Church Street, when Fort Street becomes a two-way street, the drivers will be entering what is almost a blind corner, nearly as bad as the intersection of Harbour Drive and Shedden Road, and it was for this consideration that the fact that there will be a double movement on what has heretofore been a one-way street that it was considered for safety reasons to install the lights here. But I agree that a light at Wolworth's Station, or what used to be Woolworth's Station, is very important and very necessary there and probably the other area mentioned by the Member, Mary Street and intersecting major roads is also important, but the traffic consultants believe that we should not put in two or three lights in a small area at one time; we should first put in one and wait the results and then move on to other areas.

MR. W.NORMAN BODDEN: A supplementary, Mr.President. Would the Member be able to say what was the cost of the traffic lights now in operation?

MR.PRESIDENT: I do not really think that that is a proper supplementary. If you want that information a separate question should be put down.

HON. G. GAIG BODDEN : Mr. President, I do not think.....

MR.PRESIDENT: I am not allowing it, I am sorry. It is too far.....If there is no further supplementary, I will invite the Hon. Elected Member for George Town to ask the next question.

THE THIRD ELECTED MEMBER FOR THE SOUTH WESTERN DISTRICT OF GEORGE TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No.29. (a) Would the Member state the cost incurred by Government on the two trials of the Crown versus Gonzales relating to the shooting case recently heard before the Magistrate's Court; and

(b) What was the amount paid to Crown Prosecutor in the two trials?

HON.J. MICHAEL BRADLEY: Mr.President, Sir, with the permission of the House as it falls more properly within my responsibility I am answering the question.

ANSWER: (a) Apart from the ordinary day-to-day costs of the Judicial Department, the Police Department and the Attorney-General's Chambers, the exceptional costs incurred in relation to the first trial amounted to $23,300.22 and in relation to the second trial amounted to $18,167.21.

(b) The fees paid to the special Crown Prosecutor in respect of the first trial amounted to $7,116.24 and in respect of the second trial amounted to $11,725.00.

MR. BENSON O.SEALY: A supplementary, Mr.President, Could the Member state whether the figures in relation to part (b) of the question, include passages?

HON.J.MICHAEL BRADLEY: Mr.President, Sir, the answer is no. I stated the fees paid to the Special Prosecutor, both the fees and the passages are included in part (a) of the answer and in relation to the first trial the Prosecutor's travel and subsistence amounted to $2,850.07 and the Prosecutor's travel and subsistence in relation to the second trial amounted to $2,922.16.

MR.BENSON O.SEALY: Would the Member be able to state exactly how many trips to Antigua were involved, return trips?

HON.J.MICHAEL BRADLEY: I do not have the exact details here but looking at the break-down of the figures that I have, the sum in relation to airline tickets from Antigua to the Cayman Islands in respect of the first trial amounted to $1,298.25 which would be approximately three round-trip economy class tickets; and in relation to the second trial, there was a total of approximately $1600 which would amount to three round-trips economy tickets between Antigua and the Cayman Islands as well as two round-trip economy tickets between Antigua and Miami which took place after the first trial and before the second trial for the purpose of interviewing a number of witnesses there.

MR.BENSON O.SEALY: A further supplementary, Mr.President. Could the Member state whether either of these passages was to allow the Crown Counsel to spend Carnival in Antigua?

MR. PRESIDENT: I do not really think that is a supplementary question. If you want to elicit that sort of detailed information you must put down a proper question.

HON. J. MICHAEL BAILEY: The answer is no.

MR. KENYON O. EBANKS: The question was not allowed so the answer cannot be recorded, Sir.

HON. J. MICHAEL BAILEY: Well, I hope that the question was not allowed, Mr. President, Sir,.....

MR. PRESIDENT: I think neither the question nor the answer can be allowed, but I have no doubt that the press may have noted both and that may have achieved both Members' objectives, so I cannot say anything other than - Order! Order! Unless there is any further allowable supplementary that will conclude Question time and we can move back to Government Business - Bills - resuming the debate.

THE EDUCATION BILL, 1983

SECOND READING

CONTINUATION OF DEBATE

HON. C. HAIG PODGER (CONTINUING): Mr. President, at the conclusion of yesterday's meeting, I had reached this point where I had dealt with section 19 of the Bill before the House. However, this morning I do not intend to continue answering the objections that were raised to the other eight sections of the Bill and the other twenty-one sections of the three schedules.

The reason for not answering those objections is that I consider I have replied in sufficient volume to show that the objections made to this Bill were trivial, unjustified and of no serious tone.

If any of the main principles of the Bill had been attacked I would continue my reply, however, I would like to state that since mentioning yesterday that the criticism that the Bill is being rushed and the criticism that the private schools were hampered in their consideration of this Bill must finally be laid to rest.

The first meeting to consider this Bill was held in camera but I am reliably informed and have seen a letter which was sent out to one of the Prep schools on the 11th of April, with a copy of this Bill asking them for their comments. So the Bill has been with the Private Schools from the 11th of April and it would be untrue to say that they did not have sufficient time to make their objections known to the Members. Not only did the Bill go out to the Private Schools on the 11th of April, but a few days later, the Bill was circulated at a meeting to all of the Government Schools, so this cannot be an excuse for not having objections made. They had five months in which to do it and it must be apparent that there is a blatant lack of interest in the Bill, or that they were completely satisfied and have only recently jumped upon the usual pointless foot-ball which had been kicked off against this Bill.

I will admit that there were a few typographical errors in the Bill, for example in the third Schedule on the first line, the word "not" have been omitted.

HON.G.HAIG BODDEN (CONTINUING): I believe that a lapse of the tongue is no fault of the brain neither is a typographical error a reflection upon the Department of Education nor is it a reflection upon the Legal Department, which drafted the bill. These errors are to be expected in a bill of this length and when we go to committee stage, the purpose of the committee is not as the Member implied yesterday, a waste of Government's time and a waste of Government's money, but the purpose of the committee is to rectify any simple errors that may occur in the bill.

And, finally, Mr.President, when the bill goes to the Select Committee, if it is found necessary to amend any of the matters in the bill, if it is found necessary to give some of the powers that are now in the hands of the Chief Education Officer to the Education Council, or else if it is found necessary to enforce some of the requirements that are made of the Private Schools, I as a Member have no objections to making any change in the bill, providing only, and only that I am satisfied that the changes made will in no way weaken the objectives of the bill. The main object of this bill is to guarantee that the educational system in the Cayman Islands is the best in the Caribbean and I have full support for the bill and would like to close by offering my personal congratulations to the Department of Education and to the teachers throughout these Islands who have made a resolute effort to put forward this bill and I give it my full support.

MR.BENSON O.EBANKS: Mr.President, during the course of the Member's speech yesterday, I asked that he give way for a personal explanation under Standing Order 24, this was refused and I gave notice that I would claim my right under sub-section (2) of that Standing Order.....

MR.PRESIDENT: That is quite correct. I must remind the Honourable Member before he offers his explanation of the full text of Standing Order 24 sub-order (2), that is to say it contains a proviso that you may not introduce new matters or seek to strengthen your former position by new argument, and if I consider you are attempting to do that I shall have to cut short your explanation.

MR.BENSON O.EBANKS: Mr.President, I assure you, Sir, that yesterday I intended to verify to such misrepresentation that had been made, but having had time to consider the matter over-night in the quiet of my study and realizing that I was misquoted with such regularity and consistency, I have decided not to do so specifically but in general terms and what I have to say will be but few words.

It has been driven home to me very forcefully, Mr.President, that where ignorance is bliss it is folly to be wise. The Member from Bodden Town is obviously bewildered, confused and confusing. I would only add that Fidel Castro, Winston Churchill are not my heroes but he would seem to have some able supporters or imitators.....

HON.G.HAIG BODDEN: On a point of order.....

MR.PRESIDENT: Order! Order! All sit down. I think we are way away or straying away from a personal explanation.

MR.BENSON O.EBANKS: I would say, Sir, I have to give the last sentence.

MR. PRESIDENT: I did and that was why I was thinking you had stayed further and further away from a personal explanation. If you have a personal explanation to offer I will allow you to continue with it.

MR. BENSON O. EBANKS: No, Sir. I have completed my .....

MR. PRESIDENT: Thank you.

MR. BENSON O. EBANKS: .....explanation.

MR. PRESIDENT: Unless any other Member wishes to speak in the debate I will invite the Honourable Mover of the Motion to reply.

COL. CHARLES KIRKCONNELL: Mr. President, it was not my intention to debate this Bill at this time but there are a few things which I believe I should say in the House here.

The Bill for a law to repeal and replace the Cayman Islands Education Law, 1960 is not, in my opinion, a proper Bill. I agree with the first part of the Memorandum of Objects and Reasons but feel that this Bill fails to incorporate the present policy, practice and system of education.

That is not to say, Sir, that I do not believe that we have a good educational system and one that is worthy of praise, but listening, Sir, to the debate on the Bill, has made me more aware that much will have to be done in order to maintain the aims and objects and purpose of education Bill that is acceptable, suitable and up-to-date.

The Member moving the Bill has wisely decided to put it to a Select Committee where we can pull down and debate it and allow common sense and reason to prevail, when each clause can be considered and the objectionable points ironed out.

The Private Members have expressed their concern about too much Government control. Their objections will be given every consideration and I am sure that we shall meet their objections satisfactorily and include some of their suggestions in the Bill.

I feel that there are areas where controls can be relaxed but Government has the responsibility to see that all children in the territory are sent to school and at the same time ensure that they are getting proper instruction from qualified teachers.

The Government, I am sure, are only too grateful for the help and part that the Private Schools have played in the past and are still playing now in the educational fields.

I am very pleased to see that religious worship and instruction shall be given in every Government school. I am sure that everyone in our Islands would have it no other way. We must preserve our Christian heritage and the school is one institution where such influence on our children can best be exercised.

I do not wish to prolong this debate unnecessarily, as no useful purpose will be served by doing so today. I look forward, Mr. President, to taking an active part in formulating a proper Bill in Select Committee and one that will be in the best interest of our Islands. I thank you.

MISS ANNIE HUNTER BODDEN: Mr. President, Sir, I heartily agree that we should have an Education Bill, which, to the best of our ability, controls and keeps our schools in good shape, with the whole idea of having our schools up to date.

HON. ANNIE HUDSON BODDEN (CONTINUING): Before I add my quota to this, I would like to say, Sir, that many morning over my head as I say my prayers, I have to ask God to cleanse all of our hearts of that bitter hatred that we seem to have created for each other. I do not think it is necessary and I feel that in any bill here we should all work together in harmony and try to do what is best for the people of the Cayman Islands. I am not going to say any more. I do not think that anybody in this House will be using any particular bill as a political foot-ball. We shall go in or out in the 1984 Elections on our merits and personally, if I am put here, I shall be happy to serve, if not I will gracefully get out, but I can say this I will go out with a clean heart.

Now, Mr. President, I was very instrumental many years ago in trying to have Bible study retained in our schools. In the particular newspaper that was giving them my pleasure was on the front page along with the then Director of Education and I had a lot of criticism because I said that without God we can do nothing and I think it is an insult to our Islands, such as we have here now, had, who feared God that when an important bill like this for education, that was one of their first moves, to put God aside as far as possible. I conquered it and of course as usual I lost, but I am still saying I am very pleased that this present bill before us contains this stipulation.

I have had representations from many of the Private Schools and I have given them advice in my humble way. I told those who called on me that first of all they should meet as a body and find out what their grievances were, address a letter to the Mover of this bill, copied to you, Sir, and asking that if and when it went to a Select Committee that they would be allowed to invited to come and put their representations before the Committee, and add anything else.

I feel, Sir, that some have taken my advice and I hope that we shall be able to deal accordingly.

I am going to say we need an Education bill, we need one that is good for all and sundry and I must say I congratulate our Government on the efforts they have put forward for education. I feel that working together in unity we can accomplish much.

At the Committee stage, if it goes to a Committee, I shall then have further to say. Thank you.

MR. PRESIDENT: Does any other honourable Member wish to speak? If not I will ask the Mover whether he would prefer to reply now or we might suspend proceedings for fifteen minutes and give him a chance to reply without having his reply interrupted?

I think the Mover? Well, I am inviting the honourable Member to reply as if anybody else want to speak in the debate but then any one before I suspend proceedings.

No? I will suspend proceedings for fifteen minutes.

AT 11.20 A.M. PROCEEDINGS WERE SUSPENDED.

HOUSE RESUMED AT 11.40 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
I call on the Mover to exercise his right of reply, if he wishes.

HON. THOMAS M. KOLOUM: Mr. President, I regard the statement by the Third Elected Member for West Bay that the Education Bill should be put in the garbage can as one of the most serious attacks upon the intelligence and ability and integrity of the senior teaching staff within this country.

It is probably the first time in the history of these Islands and hopefully the last, that one person without the ability and qualifications to deal with the technicalities of a profession will ever get up and make a statement like that against twenty odd of the senior teachers in this country.

This has said that statement is not just a brain-child of myself and that was made unanimously clear throughout, including the statement by the published White Bill that I made some six weeks ago.

While it is my responsibility to take this to the House, I think that there can be no more serious insult to the teaching profession in this country than to say that this bill is unworkable and should be put in the garbage.

I am going to go on, Mr. President, to show that that Member does not understand the difference between a garbage can and a Select Committee, but before I do so, I would like to state that I have and I always have had and I believe I always will have, the utmost respect for the ability and intelligence of the teachers both in the Government and in the Private Schools and also for those professionals within the portfolio as well as the Department of Education, because the results are there and I would like to thank those teachers in the Private and Government Schools who participated in putting this law together and I guess apologize to them for statements such as this being made against them.

The confusion, Mr. President, between the garbage can and a Committee of this House is very clearly borne out by Standing Order 46 (1) in which it states that the Member moving the Second Reading of a bill should state the objects of the bill and reasons for its introduction. When a motion for the Second Reading of a Bill has been made and seconded, there may be a debate on the general merits and principles of the bill and section 46 (1) states that a committee to which a bill is referred shall not discuss the general merits and principles but only its details.

The Third Elected Member from West Bay has agreed in principle with this bill, he has said that he has no reason not to feel that a bill of this sort should not, in principle, be introduced. The details of this bill are dealt with in a Committee, that is abundantly clear therefore, Mr. President, I submit that having agreed to the bill in principle the Member has confused the Select Committee with the garbage can.

Lastly, on this question, I think that it was President Harry Truman who once said that " I never give them hell, I just tell the truth and they think it is hell". The truth are the facts which the examination results quite recently have shown. If there is any doubt upon the intelligence of the teachers of this country in producing these results as against the Member, then anybody knows where the sense of that comment rests.

The area which has been raised, and I have been very careful in my opening, Mr. President, not to make this bill into a political one, which it has now reached, I was very careful in

HON. THOMAS M. BODKIN (CONTINUING): speaking very shortly and very briefly because it also gives me a right of reply to the new areas raised that were not dealt with in the beginning. It is a tactic of another profession, the legal one.

Both Members or three of the Members who spoke, one of them referred to the fact that this Bill should be given sufficient time to be look at, not only by this House but by the teaching profession and the public. Well, Mr.President, on that point I wish to put what the facts really are.

On the 11th day of April, a letter was sent to the Principals of the Private Schools as well as about that same time to the Principals of all Government Schools - they were to Principals of all Schools and it said -

> "Enclosed for your perusal is a draft copy of a proposed Irish Schools Education Law, 1968. The Executive Member for Health, Education and Social Services has asked that a committee be convened as soon as possible to discuss this proposed legislation. I would suggest that you consult with your colleagues in the private schools system so that you can forward the name of the Principal who will represent you on such a committee."

And after a period of about nine or ten months three meetings were held between June 26th and July 7th and it was well attended, however, some Heads of Private Schools did not attend and as that was really, as far as I can remember, gave no reason why they did not attend.

After that, the Law was re-drafted it was put out to the public, I believe it was some five or six weeks ago and it was out there. I had to put some time on it to get replies back and that is what I did.

I will say that I have received comments and yesterday afternoon I did receive a letter from one of the Private Schools and I am very happy to look very carefully into all of them - that is the whole idea of this exercise, to make sure that people do look at the Bill, they do give their comments, that we go through them. The point I am trying to make is the suggestions that have been made in the period of time for studying this Bill. Under the Standing Orders I only have to give seven days. The Heads, and reasonably they discussed it, and I believe they would have with their other members, had one hundred and fifty-two days, now twenty-two times the period that I am required under the Standing Order.

My what I would like to get through to this House is that I have done everything possible to get the involvement of the private School and the Government Schools - they have had it long before the Scrutiny went out - and if they did not go into it, or did not go into it thoroughly then I do not see how you can put the responsibility for that on my shoulders because things have a way, if you do not fix a date, you never get any reply. This would have gone on instead of one fifty-two days may be two fifty two days, I do not know.

I have dealt with this and I believe it is the most time that has ever been given on any Bill, but I would like to point out that whatever representations are made, regardless of whether they got in yesterday, or did these, or even if they come in after, they will go to the Select Committee and the Select Committee will look at them and that is all I can do. But I do, Mr.President, resent where you got allegations, not based on facts, as I have now given you, that this Bill is rushed or not sufficient time be given, because every Member of this House had a long time ago and the members had it much longer. I have involved them in the process of dealing with it.

HON. NORMAN H. BOYCE (CONTINUING): Mr. President, I would like now to go on and deal with the points that have been raised on the Bill, but before doing so I would like to give this House a quote which I believe I can remember. It came from Socrates, he was a Greek philosopher born in about, I think 460 B.C. or there abouts, and he said "What we can undertake a trade which we have not learn even the merest of trades, but everyone regards himself sufficiently competent to carry on the most difficult of all trades, that of Government". And I would like to apply that now to the interpretations which have been given on this document, the legal interpretation that has been given by a person not qualified legally to give those opinions, and hopefully I will be able to lead that person into more properly understanding the section that we have raised.

As the Third Elected Member from West Bay said about not going into details with the Fourth Elected Member of Executive Council, but might I thought to myself once again that I would take the approach of attempting to lead him into what the proper interpretation is, because it sometimes bears better fruits than attempting to push him into it.

It is always difficult, Mr. President, to accept that when you have lived and worked with a Law for many years some decade later you find out that you really did not understand it. And what is most interesting on what has been raised on this Law, is that it was the good part of the old Law passed by the Third Elected Member from West Bay which one out of the eight comments were on. It was not simply the legal drafting of a the members or myself or the committee, or the novel clauses that were put into this, but it was a Law which the Member should have remembered, and having done sufficient homework would have realised where the source of that Law came from.

The first comment relates to the early part, Section 2 of the new Law. This was criticised on a point of legal drafting, which I take responsibility for, because it defined "private school" means a school not fully maintained out of public funds". And if we look at Section 2 of the old Law we find that "private school" means any school not maintained by way of recurrent grants out of public funds", it does not mean as was suggested any of the schools.

Section 4 subsection (3) was dealt with by my colleague the Fourth Elected Member, and it is to the exact word for word as Section 6 subsection (c) of the 1966 Law. You know it would have been much more constructive if the approach taken, Mr. President, had been, yes, I had a good Law, I worked under it and I am very happy that you have adopted the good parts, because there were good parts in the old Law". If we look at the amendments of that, Mr. President, legal drafting merely has restrictions. It is perhaps anachronism in this day an age, but this section is clear, as worked like I have said, since 1966, it still works, and I understand it.Because it has to be broken into several parts, and when you look at it.it provides that "in furtherance to the duties, responsibilities of the council "it" meaning the council, may from time to time from public funds appropriated for the purpose, "provide in whole or in part for transportation costs in and from any government school", that is one part of the section. Secondly, "so far, or in connection with the activities of any body of persons, whether incorporated or unincorporated maintained or aided out of public funds". So with a bit of legal interpretation there as we see that both the Member and myself understood that section.

We go on. I am not really going to attempt, Mr. President, to deal with all of this because then would run into a lot of time. There is a duty to maintain schools and keep schools open, and therefore there is a power to close them under section 8, that was not in the previous Law, but when you give a power to run a school you got to give a power to close it, otherwise there would be no power to do so.

SEN. THOMAS M. SODDEN(CONTINUING): The section 19 subsection (6) paragraph (3) which relates to supervising, inspecting and routeing the programme of education may be required by the curriculum. There is provision within the law to deal with a curriculum, and what it will undoubtedly perhaps prevent in the future was what the Fourth Elected Member of Executive Council mentioned about the Caribbean Examination Council and what that damage could have done if there had not been sufficient supervision to stop that in time.

Section 13(2), Mr. President, if you look at Regulation 12, and I understand from the Member that he was in Executive Council when this was passed in 1971! - you will find that what is provided there is that "A school day shall not include any part of Sunday or Saturday and shall - morning shall include' (a) consist of two sessions with an interval of not less than an hour between the first and the second session and (b) include periods of instruction amounting in the aggregate of a minimum of five hours or such smaller minimum as may in relation to educational institution be substituted therefor under paragraph (3)", and if you go on (2) and (3). When you multiply five hours a day by five days a week, what do we get? Twenty-five. But as I understand it anyhow, our primary school has objected, at least not in the committee to this because they all exceed twenty-five hours. Any confusion over what is instruction and what is not instruction I would really just refer the Member to his section, and if he did not understand that one either then I guess he will not understand mine at this stage.

The difficulty we found with that section, Mr. President, was that it had to consist of two sessions and there was no specific period for a session. If you follow what I mean, in the final analysis we just took a number of hours rather than dealing with sessions of an indefinite period. In any event this is once again technical, and merely that would go on and on. The bad grammar referred to in section 14 subsection (1) was in fact section 21 subsection (2) of the 1966 Law, and this was altered extremely slightly to clear up one ambiguity in it but it is abundantly clear if its bad grammar as he refers to, then it could be a misunderstanding of how one interprets a Law which legally perhaps he does not clearly understand at this stage.

The reference to children being under broadfruit trees under section 22(1) subsection (a), I can tell you when they were under breadfruit trees, Mr. President; before I brought in the reception classes, because many a day I passed some of those schools and I saw these little children playing under breadfruit trees that they probably were playing under for quite a while previous. Anyhow, I have decided I am not going to get any further into the nonessential part of that.

The confusion in section 22 subsections(7, and (8), if carefully read one makes reference , subsection (7), to pupils over school age and the other section applies to pupils under school age, and if you look at it in that light I think that you will see that it does make sense. There is no provision for register the teachers, it was not in the old Law either, but if the committee feels that you need to register teachers, that is good with me, I am prepared to look at the Law to look at it remarkably; it is unfortunate I am having to deal with what I regard as destructive approach to some of these sections.

There are several other areas that have been raised, but it just goes on and on. There were errors in some of it, there are in fact spelling errors in areas of the Law which the Third Elected Member from West Bay did not even pick up either, but when you go into committee then is the place which you deal with it, and I apologise for those errors. But I would just like to point out that two of the three previous Laws passed were only two sections or three sections and each of them had several errors in it, so it is not all the time that these errors from the ordinary are either corrected before or dealt with on amendments prior to the committee, and when we go into the committee

HON. WILLIAM M. MORGAN (CAYMAN BRAC): ...as well since this up. I am quite prepared - there are spelling errors, the one you raised about department of penal rehabilitation, this obviously is an error in it.

Down in the Third Schedule as well, Mr. President, the long debate over putting school fees on Caymanian children was surely one of the most hollow things that could ever have existed, because if I was going to attempt to do that, Mr. President, why would I go ahead and produce these laws, my majority who other to come to a conclusion that I could come to in one word? I would just have said "English" instead of these three lines I have say that in an error the word "not" was left out and I admit I make mistakes, everybody does. In fact last session I think the Third Elected Member from West Bay even admitted he made a mistake. These are things that will be corrected in the select committee.

The problem over changing my position under the Constitution, he is quite right in his approach, but on the legal side there is something called an interpretation order that you start out under the Interpretation Law, and that says, for instance, that the word "Administrator" in a law shall mean "His Excellency the Governor". These are ways that these things are dealt with, and I would say constructively at this stage that if the Member has difficulty in areas like that I am happy to sit down and discuss it with him, because I do have some legal knowledge which perhaps could clear up a lot of these things before we end up making an attack on a Bill which he admits is a good Bill. I do not know what else was even dealt with in it, but I think I have dealt with about eight or ten of them.

Lastly, Mr. President, despite the remarks made in this House and which unfortunately made by principals or a principal of a private school about the passing of this 15% day law, I have always understood to support private schools, and I believe that that is something that no one can honestly deny either within this House or outside. I have discussed up with your agreement, but somebody had to introduce it, the support from ten thousand to one hundred thousand, that is ten times the amount. We have given losses, in fact I took a lot of political criticism because we loaned that building to the Prep. School, but I felt it was in the interest of the private institution and I did it. Mr. Duffy informed us that , Sir, he read this out and I am dealing with that part). There have been other things such as buses and staff that happen time, and I personally have spent time with a lot of the heads of private schools, some of them notably, in an effort to try to promote education and I believe that the private school, and I have said this many times publicly, is vital to the education development and foundation and to our society really. I will continue to do everything I can to support it, nobody is going to attempt as has been alleged to exercise unnecessary controls. If there are areas there that good reason can be shown why something should not be in the Bill, then we remove it, it is a simple matter, and my whole approach has been this way, and it is unfortunate if there has been misunderstanding in this House or by anyone in the public that a confrontation approach has not been taken to this Bill.

I do not really know, Mr. President, what more I could really have done with it, time was given, I have stated my support of the private schools, I have never unduly interfered with any of them, I have always been constructive, I have tried to support them. On the other hand I do have a duty to the Islands to ensure that the standard of schools remain good, and I do not intend during the short period that I have left in the Executive Council seat to stand on that lightly. I will give an undertaking as I did before, that whatever representations that are made I will ensure that they are properly looked at by the committee. I believe that in the course we will have a Bill which goes through the select committee and not in the garbage can, which will be a help and a foundation upon which we can further develop both the Government side of the school system and the private side, and I would ask Members to support putting this in a select committee, because it is the only constructive way to deal with it.

HON. TRUMAN M. BODDEN (CONTINUING): To go back and try starting to correct a few things here and there, have to come back, go back into select committee or go into full committee of this whole House, in my opinion is a reasonable approach to this situation.

At the end of this when the Bill has been voted on for the second time I at that stage intend to move that it move into a select committee so to deal with it again, and then we will look at the representations of everyone and ultimately in November I hope the Bill as amended will become Law. So I thank Members who supported this.

MR. PRESIDENT: The motion is that a Bill entitled "A Bill for a Law to Repeal and Replace the Cayman Islands Education Law, 1982" be given a second reading.
AYES AND NOES (Mr. KENNETH O. EBANKS) MR. PRESIDENT, THE AYES HAVE IT.
QUESTION PUT: AGREED BY MAJORITY. BILL GIVEN A SECOND READING.

SELECT COMMITTEE

HON. TRUMAN M. BODDEN: Mr. President, I move that a Bill entitled "The Education Law, 1982" be committed to select committee of this whole House and that the quorum for such committee be seven.

MR. PRESIDENT: The motion moved, which I think must be in accordance with Standing Order 69(1) be that the House appoints all of the members to be members of a select committee to consider and report on a Bill for a Law to repeal and replace the Cayman Islands Education Law, 1982.

HON. MICHAEL J. BRADLEY: Standing Order 69(1), not 69.

MR. PRESIDENT: 69(1), I am so sorry, you I said 69(), I should have said 69(1). I beg your pardon.
The motion is the same, it is in fact under section 69(1). Does any Honourable Member wish to speak to the motion? In that case I will put the question.

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE OF THE WHOLE HOUSE.

The Bill stands committed to a select committee I think the quorum will be seven (7). And in accordance with Standing Order 69 (2) I nominate the Second Official Member to be the Chairman of that select committee.

The House will now go into committee to study a Bill entitled "The Liquor Licensing (Amendment) Law, 1982" and various other Bills.

The House is now in committee.

THE LIQUOR LICENSING (AMENDMENT) LAW, 1982

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE AND COMMENCEMENT.

HON. JAMES M. BODDEN: Mr. Chairman, Clause 1. I have circulated an amendment to that, I do not know whether all the Members are in possession of it or not, but Clause 1 would be amended by the deletion of the words "and shall be deemed to have come into operation on the 1st day of January, 1982".

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I take it my Honourable colleague is asking for leave of you as Chairman under Standing Order 51(), and your are proposing to grant it. The Honourable Member has given notice but only one day, not two.

MR. CHAIRMAN: You, I am taking it that leave has been sought and I am granting leave in accordance with Standing Order 52(8) for the amendment and that a second and subsequent amendment of which I have been given notice to be moved.

THE HONOURABLE JAMES M. BODDEN: Mr. Chairman, on that case I will be seeking permission then on Clause 2 and 3 also.

MR. CHAIRMAN: Yes, and granted. So the question now is whether Clause 1 of the Bill should be amended by the deletion of the words "and shall be deemed to have come into operation on the 3rd day of January, 1983". The marginal note will be amended too so that it would just read "Short Title", "and commencement" will be knocked out of the marginal note.

Does any Honourable Member wish to speak to the proposed amendment? I will then put the question that the amendment stand.

QUESTION PUT: AGREED. CLAUSE 1 AMENDED.

Does any Member wish to speak on the Clause as amended? In that case I will put the question that the Clause as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED WAS PASSED.

CLERK: CLAUSE 2. COMMENCEMENT OF SECTION is on MAY 11 OF 1974.

THE HON. JAMES M. BODDEN: Mr. Chairman, I have circulated an amendment to Clause 2, and it would be to add the following words immediately after the word "premises" and is further amended by the addition immediately following subsection (1) of the following proviso thereto -

> "provided that at least seven days before the grant of any application to change the location of the licensed premises under paragraph (aa), notice of the application shall be made by publication in at least one newspaper circulating in the Islands and the Commissioner or the Chief Medical Officer or any member of the public may object in writing to the application and the Chairman shall, before granting such application give due consideration to such objections".

HON. D.F. FOSTER: I think that should read "Commissioner of Police".

MR. BENSON O. SHANKS: Mr. Chairman, I do not have the principal Act before me, but I would presume that "Commissioner" here is defined in the principal Law as meaning "Commissioner of Police".

MR. CHAIRMAN: That is the point in effect raised and I think .....

HON. MICHAEL A. SHADLEY: I think so, but if the Clerk would be good enough to pass me a copy of the original Law .....

HON. THOMAS M. JOSEPH: Mr. Chairman, it says that "Commissioner" means "the Commissioner of Police and every person acting under his authority", etc.

HON. MICHAEL A. SHADLEY: That was my memory, Sir.

HON. D.F. FOSTER: In each case that is right.

MR. CHAIRMAN: That reached your point, I think.

MR. DENZIL O. EBANKS: Yes, Sir.

HON. THOMAS M. McCLURG: I am helpful at times. (LAUGHTER)

MR. CHADWICK EBANKS: Mr. Chairman, in that section reading some "any objection in writing to the application and the Chairman shall, before granting such application give due consideration", should it be "Chairman" or "the Board"? While the written objection would go to the Department or in the hands of the Chairman, it should be the decision of the Board and not the Chairman.

HON. JAMES M. DODGE: Mr. Chairman, under the particular section that we are dealing with here to amend this, it does say that the Chairman may or can make variations subject to these, this is why we added this one in. Now if Customs objections lodged after it is notified then the Board would have to be called in for a meeting on it, but if there are no objections lodged the Chairman of the Board would have the same power as he has in the rest of the section 14.

I would just like to add at this point, Sir, that what has transpired that was a transfer of a license from Drake Bay to Rongers Harbour, and contrary to what was said in the House some yesterday, this license was reported as it is required of me to do to the Board and it was approved by the Board meeting held in December of last year. The Rainbow Inn was approved by the Board in its annual general meeting in September of 1968, and upon Maintenance by Wilton Fagregalia was approved in June, 1969 at the time when I was absent from the Island and there was another Chairman substituting for myself. So contrary to what was said here yesterday, the minutes reveal that these are the times that these were reported to the Board and were approved without discussion.

MR. CHAIRMAN: The question now is that ....

MR. CHADWICK EBANKS: Mr. Chairman, I thought that was exactly the point that I was making yesterday or attempted to have made, but things seems have gone beyond, because as I pointed out, it was brought to the Board - was promised to be operation now without a license, and I think it is time that the Board ought to have control on granting licenses, and those who do not have a license the Police ought to be doing their duty.

MR. CHAIRMAN: The question at the moment is that Clause 3 should be amended by the addition of the words that were read out a moment ago. Does any Honourable Member wish to speak further to this amendment, if not, I will put the question that the Clause be amended in accordance ...

QUESTION PUT: AMEND CLAUSE 3 AMENDED.

MR. CHAIRMAN: Does any Member wish to speak to Clause 3 as amended? The question then is that Clause 3 as amended stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 AS AMENDED WAS PASSED. (CHADWICK EBANKS ABSTAINED)

CLERK: CLAUSE 4. VALIDATION.

HON. JAMES M. DODGE: Mr. Chairman, I have circulated an amendment to Clause 4, and it calls for the deletion of the words "and between the first day of January, 1969 and" and the date of coming into force of this Law"; and it is further amended by the addition of the word "and" immediately following the words "validity made" in line five thereof.

MR. CHAIRMAN: The question is that Clause 3 be amended by deleting the words "made between the first day of January, 1887 and the date of the coming into force of this Law", and also by the addition of the word "to" immediately following the words "unlawfully made." in the fifth line of the Clause.

Does any Honourable Member wish to speak to the proposed amendment? I will then put the question that the Clause be amended as proposed.

QUESTION PUT: AGREED. CLAUSE 3 WAS AMENDED.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, the Memorandum of Objects and Reasons .....

MR. CHAIRMAN: I have not quite finished Clause 3 yet. Are you speaking to Clause 3?

CAPT. C.L. KIRKCONNELL: No, Sir, I was just - I thought we were through with Clause 3.

MR. CHAIRMAN: We have amended it, but we have not passed it as amended. So the question now is whether Clause 3 as amended do stand part of the Bill. Does any Member wish to speak on that?

MR. BENSON O. BRANCO: Just to say, Mr. Chairman, for the records since it might not be generally understood, that the amendments which are being made to this Bill and accepted, and which enables the Bill to pass smoothly from someone without legal training.

HON. JAMES M. BODDEN: If that is - the just them, Mr. Chairman, I will when that we vote to give the Honourable Member from West Bay the M.B.E. at the next session.

HON. TRUMAN M. BODDEN: And an LLB, Sir.

MR. CHAIRMAN: Order, order. I do not think we can vote on that .....

MR. BENSON O. BRANCO: That is unnecessary, Mr. Chairman.

MR. CHAIRMAN: that is not a proper motion. May be we could confer an honourary legal degree.

HON. JAMES M. BODDEN: Mr. Chairman, it my opinion that in the we are here in a committee session so that we can get the hell right from everybody that is in the room. (LAUGHTER)

HON. MICHAEL J. BRADLEY: I am very glad of my drafting assistance Hon Members may offer me.

MISS ANNIE E. BODDEN: INVISIBLE.

MR. CHAIRMAN: Could you speak into the microphone?

MISS ANNIE E. BODDEN. I said, I would like to see that we as ladies, supposed to be sensible people, forget this malciousness and let us work together, each one put their input whether it is legal or not.

MR. CHAIRMAN: I think some of the Members are inquiring one another at the moment. I do not regard teasing as necessarily malicious, although sometimes perhaps a more serious element may creep in.

MR. CHAIRMAN(CONTINUING): Let us get back to the question that I was seeking to put, that Clause 2 as amended do stand part of the Bill.

QUESTION PUT: AGREED, CLAUSE 2 AS AMENDED WAS PASSED.

MR. CHAIRMAN: There was a point about the Memorandum.

HON. JAMES M. DOUGET: Mr. Chairman, under the Memorandum of Objects and Reasons, I would ask leave again under section 52 of the Standing Orders to change .....

MR. CHAIRMAN: I do not think it gets printed as part of the Law.

HON. MICHAEL J. BRADLEY: Mr. Chairman, with due respect to my learned colleague, I do not think we need to take any formal step in relation to the Memorandum of Objects and Reasons. It was the Objects and Reasons of the Bill as it came originally to the House; the Legislative Counsel which has to be right by us and which will accompany the final signed copy of the Bill for the Royal Assent will contain a restatement of what the Objects of the Bill as being contained in ours.

MR. CHAIRMAN: The law as enacted will be published without Objects and Reasons, and that was the point I was going to make, therefore it is not really necessary to amend the Objects and Reasons.

CLERK: A BILL FOR A LAW TO AMEND THE LIQUOR LICENSING LAW, 1974.

MR. CHAIRMAN: The question is that the Title stand part of the Bill. If there is no dissent I will put the question.

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: We have three other Bills. I do not know whether - two of them are very short and the other we may be able to take several clauses at a time, and as far as I know there are no amendments proposed. I do not know whether Members would find it convenient to finish the committee proceedings now even if we are a little bit late in breaking for lunch, and then - Let us do that.

MR. HERMAN O. CHANEY: Mr. Chairman, I do not see the first one taking any time, it would depend how quickly we could get through the Parliamentary Bill.

MR. CHAIRMAN: Well, I was hoping we might be able to read several clauses at a time, I have not heard of any proposed amendments.

MR. HERMAN O. CHANEY: No, I do not see any problem with the Bill, it is just that it is quite a lengthy one, if we take it several clauses at time .....

MR. CHAIRMAN: We are allowed to take it several clauses, there is provision in Standing Orders for that. No, the Hands Bill.

THE HOUSE (ARRANGEMENT) LAW, 1978

COMMITTEE: AGREED

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 14 OF LAW 10 OF 1974.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE RADIO LAW, 1974.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: A Bill for a law to amend the Radio Law.

THE RADIO (AMENDMENT) LAW, 1985

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 71 OF LAW 7 OF 1975.

HON. MICHAEL J. BRADLEY: Mr. Chairman, there is a minor punctuation error, which I do not think would need promulgation of the Order, after subsection (7) another comma "is amended, in subsection (1),".

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE RADIO LAW, 1975.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: A Bill for a law to declare and amend the Law of Partnership and to replace the Law relating to Limited Partnerships.

THE PARTNERSHIP LAW, 1985

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

CLAUSE 2. INTERPRETATION.

CLAUSE 3. CONTRIBUTION OF PARTNERSHIP.

CLAUSE 4. RULES FOR DETERMINING EXISTENCE OF PARTNERSHIP.

CLAUSE 5. POSTPONEMENT OF RIGHTS OF PERSON LENDING OR SELLING IN CONSIDERATION OF SHARE OF PROFITS IN CASE OF INSOLVENCY.

CLAUSE 6. SAVING OF TORT.

MR. CHAIRMAN: The question is that Clauses 1 to 6 do stand part of the Bill.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, again a minor punctuation matter in Clause 3 subsection (2) immediately before the end thereof, where it says "Royal Charter" instead of a semicolon and closing brackets it should just be a comma.

MR. CHAIRMAN: The question then is that Clauses 1 to 6 with the punctuation corrected as noted in Clause 3 do stand part of the Bill. If there is not debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 1 TO 6 PASSED.

CLERK: CLAUSE 7. POWER OF PARTNER TO BIND THE FIRM.

CLAUSE 8. PARTNERS BOUND BY ACTS ON BEHALF OF FIRM.

CLAUSE 9. PARTNER USING CREDIT OF FIRM FOR PRIVATE PURPOSES.

CLAUSE 10. EFFECT OF NOTICE THAT FIRM WILL NOT BE BOUND BY ACTS OF PARTNER.

CLAUSE 11. LIABILITY OF PARTNERS.

CLAUSE 12. LIABILITY OF THE FIRM FOR WRONGS.

MR. CHAIRMAN: The question is that Clauses 7 to 12 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 7 to 12 PASSED.

CLERK: CLAUSE 13. MISAPPLICATION OF MONEY OR PROPERTY RECEIVED FOR OR IN CUSTODY OF THE FIRM.

CLAUSE 14. LIABILITY FOR WRONGS JOINT AND SEVERAL.

CLAUSE 15. IMPROPER EMPLOYMENT OF TRUST PROPERTY FOR PARTNERSHIP PURPOSES.

CLAUSE 16. PARTNERS LIABLE BY "HOLDING OUT"

CLAUSE 17. ADMISSIONS AND REPRESENTATIONS OF PARTNERS.

CLAUSE 18. NOTICE TO ACTING PARTNER TO BE NOTICE TO THE FIRM.

CLAUSE 19. LIABILITIES OF INCOMING AND OUTGOING PARTNERS.

CLAUSE 20. REVOCATION OR CONTINUING GUARANTY BY CHANGE IN FIRM.

MR. CHAIRMAN: The question is that Clauses 13 to 20 stand part of the Bill.

HON. MICHAEL A. BRADLEY: Again, Mr. Chairman, Sir, Clause 19 subclause (1), second line, is a minor typographical error. There is quotation mark in the front of the word "liable", which should be deleted.

MR. CHAIRMAN: The question is that Clauses 13 to 20 with the punctuation corrected in subclause (1) of Clause 19 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 13 TO 20 PASSED.

CLERK: CLAUSE 21. VARIATION BY CONSENT OF TERMS OF PARTNERSHIP.

CLAUSE 22. PARTNERSHIP PROPERTY.

CLAUSE 23. PROPERTY BOUGHT WITH PARTNERSHIP MONEY.

CLAUSE 24. PROCEDURE AGAINST PARTNERSHIP PROPERTY FOR A PARTNER'S SEPARATE JUDGMENT DEBT.

CLAUSE 25. RULES AS TO INTEREST AND DUTIES OF PARTNERS SUBJECT TO SPECIAL AGREEMENT.

MR. CHAIRMAN: The question is that Clauses 21 to 25 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 21 TO 25 PASSED.

CLERK: CLAUSE 26. EXPULSION OF PARTNER.

CLAUSE 27. NOTICE MAY FIRM PARTNERSHIP AT WILL.

CLAUSE 28. WHERE PARTNERSHIP FOR TERM IS CONTINUED OVER, CONSEQUENCE OF SUCH BEING CONTINUED.

CLAUSE 29. DUTY OF PARTNERS TO RENDER ACCOUNTS, ETC.

CLAUSE 30. ACCOUNTABILITY OF PARTNERS FOR PRIVATE PROFITS.

CLAUSE 31. DUTY OF PARTNER NOT TO COMPETE WITH FIRM.

CLAUSE 32. RIGHTS OF ASSIGNEE OF SHARE IN PARTNERSHIP.

MR. CHAIRMAN: The question is that Clauses 26 to 32 do stand part of the Bill.

The Clerk has pointed out to me that there is a typographical error in the marginal note to Clause 31, which should be "with" instead of "into", and there seems to be also - sorry, 31 - 27, "compete with".

CAPT. U.A. NIMMO-SMITH: What about number 30, Sir, the .....

MR. CHAIRMAN: And 40, there is a dash (-) that should not be there I think. "Accountability of partners for private profits." So the question is that Clauses 26 to 32, subject to the correction of typographical or printing errors in the marginal notes do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 26 to 32 PASSED.

CLERK: CLAUSE 33. DISSOLUTION BY EXPIRATION OF NOTICE.

CLAUSE 34. DISSOLUTION BY BANKRUPTCY, DEATH, OR CHARGE.

CLAUSE 35. DISSOLUTION BY ILLEGALITY OF PARTNERSHIP.

CLAUSE 36. DISSOLUTION BY THE COURT.

CLAUSE 37. RIGHTS OF PERSONS DEALING WITH FIRM AGAINST APPARENT MEMBER OF FIRM.

CLAUSE 38. RIGHT OF PARTNERS TO NOTIFY DISSOLUTION.

CLAUSE 39. CONTINUING AUTHORITY OF PARTNERS FOR PURPOSES OF WINDING UP.

MR. CHAIRMAN: The question is that Clauses 33 to 39 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 33 to 39 PASSED.

CLERK: CLAUSE 40. RIGHTS OF PARTNERS AS TO APPLICATION OF PARTNERSHIP PROPERTY.

CLAUSE 41. APPLICATION ON EXPULSION WHERE PARTNERSHIP PREVIOUSLY DISSOLVED.

CLAUSE 42. RIGHTS WHERE PARTNERSHIP DISSOLVED FOR FRAUD OR MISREPRESENTATION.

CLAUSE 43. RIGHT OF OUTGOING PARTNER IN CERTAIN CASES TO SHARE PROFITS MADE AFTER DISSOLUTION.

CLAUSE 44. VALUING AN INCOMING PARTNER'S SHARE TO BE A DEBT.

CLAUSE 45. RULE FOR DISTRIBUTION OF ASSETS ON FINAL SETTLEMENT OF ACCOUNTS.

MR. CHAIRMAN: The question is that Clauses 40 to 46 do stand part of the Bill. I have noted one spelling mistake in the marginal note to Clause 41 where the word "appointtonment" is spelled "appropriement".

HON. MICHAEL J. BRADLEY: And also in paragraph (b), Sir, of that Clause the word "dissolved" should be "dissolved".

MR. CHAIRMAN: Will subject to the correction of those evident errors or printing errors, the question is that Clauses 40 to 46 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 40 TO 46 PASSED.

CLERK: CLAUSE 47. LAW TO APPLY TO LIMITED PARTNERSHIPS.

CLAUSE 47. DEFINITION AND CONSTITUTION OF LIMITED PARTNERSHIP.

CLAUSE 48. ABBREVIATION OF LIMITED PARTNERSHIP.

CLAUSE 49. REGISTRAR.

CLAUSE 50. DETAILS REQUIRED FOR REGISTRATION.

MR. CHAIRMAN: The question is that Clauses 47 to 50 do stand part of the Bill.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I think perhaps it would be better in Clause 50 subclause (1) that the title of the Voluntary Declarations Law should read "Voluntary Declarations Law (Revised)" rather than just a capital "(R)". In Clause 51(1) the same opinion would apply in relation to the name of the Voluntary Declarations Law.

MR. CHAIRMAN: We have not reached 51(1) yet, hon. sir! We have not reached 51, we have only crossed 50.

HON. MICHAEL J. BRADLEY: Alright.

MR. CHAIRMAN: So the question is that Clauses 47 to 50 do stand part of the Bill subject to - In Clause 50 subclause (1) the capital "(R)" being changed to "(Revised)". If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 47 TO 50 PASSED.

CLERK: CLAUSE 51. CHANGES IN LIMITED PARTNERSHIP.

CLAUSE 52. MODIFICATIONS OF GENERAL LAW.

CLAUSE 53. ADVERTISEMENT IN THE GAZETTE.

CLAUSE 54. INSPECTION OF STATEMENTS.

CLAUSE 55. REGULATIONS.

CLAUSE 56. SAVING.

CLAUSE 57. SAVING FOR RULES OF EQUITY AND COMMON LAW.

CLAUSE 58. REPEAL.

HON. MICHAEL J. BRADLEY: If I may now come in, Mr. Chairman, on the appropriate sections, Clause 51(1) and (4) "L" in brackets, the word "subsection" is misspelled on the second line, "subsection". In the following line I think it should be "Voluntary Declarations Law (Revised)". Then if you would go on to Clause 52 subclause (1) and (3) second line, the word "partnership" is misspelled, and finally and hopefully Clause 58 (1), again Limited Partnership Law (Revised).

MR. CHAIRMAN: The question then is that Clauses 61 to 67 subject to the correction of two spelling mistakes, and the insertion of the word "(Ireland)" immediately the numeral "(IX)" in Line 9 in Clause 61 should stand part of the Bill. If there is no debate I will put the question.

MR. DENSON O. EBANKS: Could I ask the Second Official Member, Sir, who is responsible for these misspellings?

MR. CHAIRMAN: A member I think is probably the answer.

HON. MICHAEL J. BRADLEY: Ultimately, Sir, us, if we let them slip by.

MR. CHAIRMAN: If there is no further debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 61 TO 67 PASSED.

CLERK: A BILL FOR A LAW TO CONSOLIDATE AND AMEND THE LAW OF PARTNERSHIP AND TO REPLACE THE LAW RELATING TO LIMITED PARTNERSHIPS.

QUESTION PUT: AGREED. THE TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings on a Bill entitled "The Liquor Licensing (Amendment) Law, 1993" and other Bills. The House will now resume, but I propose to suspend proceedings in committee and resume the House first, I think and then I .....

MR. DENSON O. EBANKS: Mr. Chairman, looking somewhere in my mind or that on the first day, Friday, some Bill that was put down to be put into committee stage might only be deferred, and I do not have my .....

MR. CHAIRMAN: You think it is the Succession Bill?

MR. DENSON O. EBANKS: It was some procedure on some Bill that was deferred at this time, and I am not sure that it was dealt with after.

HON. MICHAEL J. BRADLEY: My only memory serves that the Honourable Third Elected Member for East Bay and myself engaged in a discussion as to at what stage there should be a debate upon the Succession Bill.

MR. DENSON O. EBANKS: No, no. There was something which the Chairman said that he would propose to leave that until later on something.

MR. CHAIRMAN: One moment.

LT-COL. C.I. KIRKCONNELL: Mr. Chairman, I think it was the committee stage you proposed to leave until we had all of the laws.

MR. DENSON O. EBANKS: No think still?

MR. CHAIRMAN: I do not think there was another Bill, I now got here the Business Paper for the whole of the morning and .....

MR. DENSON O. EBANKS: I think there was one Bill that was listed for three stages and you said that you propose to leave it - the committee stage, I believe, until we had all of the Bills in committee or something.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, the Bill that was tabled for all stages on Friday is no longer with us.

MR. BERSON O. EBANKS: May be that is why .....

MR. CHAIRMAN: I think that is what you are confused about, that the latter matter was such that we were going to do a Bill and then its committee stage and then its third reading, before we would do the next Bill, and I said "no, we will take the second reading in turn and then do all the committee stages together". I think that .....

HON. MICHAEL J. BRADLEY: Of course if the Honourable Member wishes to change his mind about the previous amendment still, I am sure we could find to use .....

HON. JAMES M. HODGE: I am sure that is what is happening to him.

MR. BERSON O. EBANKS: Mr. Chairman, I hope heard nothing unbecomingly to cause me to change my mind on that, Sir. I wanted to make sure that we were not, through oversight overlooking something.

MR. CHAIRMAN: Alright.
As I said, that concludes proceedings in committee, the House will resume.

HOUSE RESUMED

MR. SPEAKER: The House has now resumed, but before proceeding to any further business I propose to suspend proceedings and suggest that we meet again at half past two.

THE HOUSE SUSPENDED AT 12:55 P.M.

HOUSE RESUMED AT 2:30 P.M.

MR. PRESIDENT: Please be seated.
Presentations and reports. Reports on Bills.

REPORTS ON BILLS

THE LIQUOR LICENSING (AMENDMENT) BILL, 1983

HON. JAMES M. MORGAN: Mr. President, I have to report that the Bill entitled A Bill for a Law to Amend the Liquor Licensing Law, 1974 (Law 11 of 1974), was considered by a committee of the whole House and passed with the following amendments -
Clause 1: the following words were deleted - "and shall be deemed to have come into operation on the first day of January, 1983.".
Clause 2: the following words were inserted - "provided that at least seven days before the grant of any application to change the location of the licensed premises under paragraph (aa), notice of the application shall be made by publication in at least one newspaper circulating in the Islands and the Commissioner or the Chief Medical Officer or any member of the public may object in writing to the application and the Chairman shall before granting such application give due consideration to such objections.".
Clause 3: was amended by the deletion of the words - "made between the first day of January, 1983 and the date of the coming into force of this Law", and was further amended by the addition of the word "as" immediately following the words "validly made" in this Clause.
I do not know whether at this point I should request that Standing Orders be waived to permit this to go to a third reading.

MR. PRESIDENT: I shall keep to the guidance of the Second Official Member. I do not think that you need to waive Standing Orders to take the third reading because we did not do the second reading today. So unless anybody tells me I am mistaken I will advise you that you do not need to ever to suspend Standing Orders to enable the third reading to go forward. However, at the moment .....

HON. MICHAEL J. HANDLEY: Mr. President, Sir, I think it is contained in Standing Order 47 - "Every bill shall be read three times before being passed and no bill may be given more than two readings at any one sitting.".

MR. PRESIDENT: I think there were minor amendments to the marginal notes as well that the Honourable Member reporting the Bill did not note and there may have been something minor in addition, but the report is that the Bill has been passed with amendments and the Bill is accordingly set down for . third reading.

THE ROADS (AMENDMENT) BILL, 1983

HON. C. ERIC BOLTON: Mr. President, I have to report that a committee of the House considered a Bill to amend the Roads Law 1974 and passed it without any amendments.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THE RADIO (AMENDMENT) BILL, 1983

HON. C. BAIN HOUSEN: Mr. President, I have to report that a committee of the whole House examined a Bill for a Law to Amend the Radio Law, 1975 and passed it without any amendments, except that a comma was added in Clause 4 on the first line after the words in subsection (1).

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THE PARTNERSHIP BILL, 1983

HON. T. C. JEFFERSON: Mr. President, I have to report that a Bill entitled A Bill for a Law to Declare and Amend the Law of Partnership and to Replace that Law relating to Limited Partnerships was considered by a committee of the whole House and passed. There were, Mr. President, a few minor spelling errors which were corrected and some punctuation as well.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THIRD READINGS

CLERK: The Liquor Licensing (Amendment) Bill, 1982; The Radio (Amendment) Bill, 1983; The Radio (Amendment) Bill, 1983; The Partnership Bill, 1983.

MR. PRESIDENT: Third reading - The Liquor Licensing (Amendment) Bill, 1982.

THE LIQUOR LICENSING (AMENDMENT) BILL, 1982

HON. JAMES M. BROWN: Mr. President, I ask that 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 for a Law to Amend the Liquor Licensing Law, 1974, be given a third reading and passed.

QUESTION PUT: AYES AND NOES. BILL GIVEN A THIRD READING AND PASSED BY MAJORITY.

THE ROADS (AMENDMENT) BILL, 1983

HON. C. BAIN HOUSEN: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Roads Law, 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 Roads Law, be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE RADIO (AMENDMENT) BILL, 1983

HON. G. HALL MOVED: Mr. President, I beg to move that a Bill for a Law to Amend the Radio Law, 1975, be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill for a Law to Amend the Radio Law, 1975, be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE PARTNERSHIP BILL, 1983

HON. I. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for a Law to Declare and Amend the Law of Partnership and to Replace the Law Relating to Limited Partnerships, be given a third reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Declare and Amend the Law of Partnership and to Replace the Law Relating to Limited Partnerships, be given a third reading and passed.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

GOVERNMENT MOTIONS

CLERK: GOVERNMENT MOTION NO. 4 - APPROVING AMENDMENTS TO THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972.

HON. TRUMAN M BODDEN: Mr. President, I beg to move Government Motion No. 4 which I shall read out in full.

"WHEREAS the Electoral Law was enacted and came into operation on the 6th day of July, 1959 and was subsequently amended by Law 7 of 1963, Law 8 of 1967, Law 21 of 1969, Law 18 of 1971, Law 2 of 1979 and Law 16 of 1980;

AND WHEREAS the Cayman Islands (Constitution) Order, 1972 was made on the 20th day of July, 1972 and came into operation on the 22nd day of August, 1972;

AND WHEREAS the British Nationality Act, 1981 of the United Kingdom created three categories of citizenship and came into operation on the 1st day of January, 1983 and changed the meaning of British Subject thereby creating the necessity for consequential changes in the Cayman Islands (Constitution) Order, 1972;

AND WHEREAS on the 20th day of June, 1983, the following resolution was passed unanimously by this Honourable House:

WHEREAS the present Electoral Law was brought into operation in 1962 with various amendments in 1971, 1972 and 1980;

AND WHEREAS it is considered that the Law should be updated;

HON. THOMAS M. BODDEN (CONTINUING):

BE IT RESOLVED that this Honourable House appoint a Select Committee consisting of all the Elected Members and the Second Official Member to consider and make recommendations as may be deemed necessary;

AND BE IT FURTHER RESOLVED that the Second Official Member be appointed Chairman of the Committee with a quorum of seven Members including the Chairman.

AND WHEREAS the Select Committee has unanimously determined that it would be in the interests of the Cayman Islands to re-define the qualifications for elected membership of the Legislative Assembly and the qualifications of electors and that a resolution hereto setting out Her Most Gracious Majesty be introduced in this Honourable House concerning such of the provisions of the Cayman Islands (Constitution) Order, 1972, as relate to membership and voting.

NOW THEREFORE BE IT RESOLVED that this Honourable House hereby *petitions HER* MOST GRACIOUS MAJESTY that the Cayman Islands (Constitution) Order, 1972 be amended as follows:

1. That Section 19 thereof be revoked and replaced by the following new section:-

"19. Subject to the provisions of the next following section, a person shall be qualified to be elected as a Member of the Assembly if, and shall not be qualified to be so elected unless, he -

(a) is a British Dependent Territory Citizen who possesses Caymanian Status of the age of twenty-one years or more; and

(b) is domiciled in the Islands at the date of his nomination for election; and either

(c) was born in the Islands or of parents one of whom was born in the Islands and he has resided in the Islands for a period or periods totalling not less than five years out of the seven years immediately preceding the date of his nomination for election and is resident therein at that date; or

(d) has resided in the Islands for a period or periods totalling not less than fifteen years out of the twenty years immediately preceding the date of his nomination for election, of which period of fifteen years the seven years must be immediately prior to the date of his nomination for election; or

(e) was, on the date of coming into force of this Order, qualified to be elected as a Member of the Assembly.".

2. That Section 20 thereof be amended as follows:

In paragraph (e) of subsection (3), omit the words "British Subject" be deleted thereof and substituted therefor by the words "British Dependent Territory Citizen possessing Caymanian Status".

3. That Section 22 thereof be repealed and replaced by the following new section -

"22. Subject to the provisions of the next following section,

HON. TRUMAN M. HUBBARD (CONTINUING):

a person shall be entitled to be registered as an elector in one electoral district only, but he shall not be entitled to be registered or to vote for elections to the Assembly unless he -

(a) is a Commonwealth Citizen of the age of eighteen years or over: and

(b) was domiciled and resident in the Islands at the date of registration: and either

(c) was born in the Islands or of parents one of whom was born in the Islands, or

(d) has been ordinarily resident in the Islands for a period or periods amounting to seven years out of the nine years immediately preceding the date of registration and is resident therein at that date: or

(e) was on the date of coming into force of this Order, entitled to be registered as an elector.".

And I so move that Motion.

MR. PERCIVAL O. HAWKINS: Mr. President, I am to second this Motion, but I am wondering if the mover did not .....

MR. SPEAKER: I cannot hear I am afraid.

MR. DENTON O. FRANCIS: I am to second this Motion, but I am wondering at what point the Member intends to bring in the amendment to the Motion. Notice of amendment .....

MR. SPEAKER: Well I think that the Motion has to be proposed and seconded first.

MR. PERCIVAL O. HAWKINS: I hop to second the Motion then, Mr. President.

AMENDMENT TO MOTION

HON. TRUMAN M. HUBBARD: Mr. President, I have given notice of an amendment and I now wish to move that amendment.

I move that the proposed new Section 16 of the Cayman Islands (Constitution) Order, 1972, which is contained as Item 1 of the petition in the resolution, be amended in paragraph (a) by the deletion of the words "is a British Commonwealth Territory Citizen who possesses Caymanian Status" and the substitution therefor of the words "possesses Caymanian Status and is either a Commonwealth Citizen or a British Dependent Territory Citizen".

MR. PERCIVAL O. HAWKINS: I second the Motion of Amendment, Mr. President.

MR. SPEAKER: I will not endeavour to read out either the full Motion or even the Motion of Amendment in full because they are both lengthy, but I think in the first instance I would invite debate on the question of whether the amendment to the Motion should be approved and after we have dealt with that, then debate on whether the Motion as amended - if indeed the Motion is amended - should be approved. Does any Honourable Member wish to speak?

CRIMP ON GOVERNMENT MOTION NO. 4

HON. TRUMAN M. HOMER: Mr. President, simultaneously with the circulation of this Motion which was proposed to be moved today, there was turned with it a press release which set out very clearly to the public and which I believe that all Members of this Assembly regarded as a fair statement of the change to the Cayman Islands (Constitution) Order, 1972.

The resolution has been brought and the amendment has been brought after very careful consideration by all Members of this Legislative Assembly who unanimously agreed with this Motion. The British Nationality Act of the United Kingdom has made several, in fact has enacted several different nationalities and as a result it was necessary to change the sections relating to British Subject.

The Immigration Law, the Cayman Protection Law and the nationality matters still continue to sit, but as was mentioned in the resolution these have been carefully and in a very timely way looked at these amendments and I believe that they are in the interest of the Cayman Islands at this stage to be brought.

The Motion is actually in the form of a petition because the Cayman Islands (Constitution) Order, 1972 is a statutory instrument, it is an Order made in the United Kingdom and any amendments have to be forwarded to Her Majesty who will then either sign or reject them. However, I am entitled to state at this time that the Foreign and Commonwealth Office have been advised of the proposed amendments and would accept them to be acceptable to Her Majesty's Government in the United Kingdom.

What is most important, and I believe that this has been very tentatively put before the Assembly in their public meetings, is that the Cayman Islands (Constitution) Order, 1972 is one which deals with many matters which relate from instance to the Public Seal, Arms of Lands, Your Excellency's prerogative of mercy, your power of discipline, Her Majesty's reserved power to legislate, matters relating to Government existing laws and does in fact cover a wide variety of different matters. However, what I wish to make abundantly clear is that there is no encroachment on no township of the Cayman Islands (Constitution) as relates to the powers and the rights of the Legislative Assembly, the Executive Council and Your Excellency. This is as such no alteration of the Constitution as traditionally known and it really deals with one of the many areas that is in the constitutional instrument.

There will also be seen from this amendment that there is an alteration in relation to the right to sit in the Legislative Assembly and what has arisen here is that in effect the words "British Subject" which were replaced by "British Dependent Territory Citizen", however have been enlarged to include a person who is also a British Citizen - that is putting it more generally a citizen of the United Kingdom.

For a very long time now I believe that it has been the wish of the electorate that there be these amendments, or what are now commonwealth amendments and by and large I am satisfied that these amendments which we are submitting for in this Motion, go with the blessing not only of all Members in this House, but also with a blessing of the public.

The details of the amendments, which are as usual when one is dealing with nationality somewhat more complex than perhaps other laws, have been set out in detail in the press release and I believe that both the Motion and the agreed matters have been made public through the newspapers and otherwise.

HON. EDWARD M. DODDY (CONTINUING): I may also state as I believe I would be entitled, that the amendment also has the blessing of the Foreign and Commonwealth Office and that both the resolution thereof and the amendments go with the blessing of that Office. And, in fact, Mr. President, the amendments are very much in line with what has been seen in many other Commonwealth bereficiaries and are by no means anything that is either unusual or extraordinary.

I would thereafter, Mr. President, without attempting to go any further into requesting the details of the main amendment, like to also mention that with the consequential amendments that we have made in the amendment to the motion that it will also be necessary in relation to a further section in there which I would propose to move at the end of the Motion and the amendment which would follow naturally if the amendment to the Motion goes through in relation to a following section.

Basically the substance of the Motion and the substance of the amendment to the Motion have been already set out and in the course I would move the further amendment after we have dealt with this. It would really just tidy up, so to speak, the amendment to the Motion in relation to the subsidiable section.

With that, Mr. President, I move that the Motion be passed unanimously, in the course of that to the work of the House.

MR. PRESIDENT: I am taking it you are moving both the Motion and the amendment to be passed.

HON. EDWARD M. DODDY: Yes, Sir.

MR. SPEAKER C. EMANUEL: Mr. President, in debating this Motion I would crave your indulgence to allow me to include in my remarks the amendment to Section 20 which the Member is now referring to which he proposes to put at a later date.

The nature of the resolution has read to in the entirety and an individual that as a result of the amendment before the House, subsection (a) of section 1 would now read - "persons may become and be either a British Citizen or a British Dependant Territory Citizen". And in section 2 of the substantive resolution where the words "British Dependant Territory Citizen possessing Caymanian Status" appear, it would also be changed to read, "unless he proves to be a British Citizen or a British Dependant Territory Citizen".

MR. PRESIDENT: If I can just interrupt you for a moment - we have not actually had that amendment yet and it is perfectly true that there will have to be, if the amendment which has been proposed by the mover of this Motion is accepted, a consequential amendment of the kind you are indicating. Whether it will have the precise wording which you have just read out, I would not be quite certain; I think we would have to wait .....

HON. PERCY C. EMANUEL: Well at the commencement of my debate I asked permission to .....

MR. PRESIDENT: I am just trying to make the point that the wording which you read out as amending the second paragraph of the resolution .....

HON. PERCY C. EMANUEL: Well should I now move having that effect would be included?

MR. PRESIDENT: Yes, that is right...

MR. WATSON C. BRAKES (Interjection): Mr. President, I took this resolution as circulated to a meeting of my constituents. I explained the effect of the changes to them in detail including the promised additional amendments and I had no dissention to this resolution. The meeting was fairly well attended for a meeting of this nature as most everyone knows until elections time comes along you really do not get large gatherings at meetings, but I would say there was a fair turnout. The meeting was well acquainted so that anyone who did not come, it was not the fault of the meeting not being given publicity.

There are just two points that I would like to make and that are in respect both to the new section 10 and section 55 of the Bill. And that is that the subsection (e) in both cases presents the right which persons might have had to either be qualified to become Members of the Assembly or alternatively the order changing the Constitution will come into effect and Electoral will reserve the rights of those persons who are now entitled to vote or who will be entitled to vote on until the day that Order comes into effect. So the Motion is concerning in all respects any rights which a person may have under the Constitution.

The extended number of residence in the mentions will only impose who will be affected as of the moment into effect of that Order. In other words, Mr. President, if a person is qualified now to be a Member of the Legislature or to vote, that right is maintained. And I think this is important because I had several people speak to me about that point in the publication on the publicity that was given to the Motion.

I therefore, Mr. President, am able to support this resolution fully in its amended form and if reading I am not allowed to anticipate legislation, but I am not sure whether I am not allowed to anticipate an amendment I am certainly anticipating the amendment to section 9 of this resolution. And with that amendment in place I support the Motion in its entirety.

MR. MINISTER: Does any other Honourable Member wish to speak?

CAPT. CHARLES E. KIRKCONNELL: Mr. President, I will not go into the details of this Motion, but I should like to say that on the September 1st the Salem Hutch Centre, my colleague and I had a public meeting. It was well attended by the leading citizens of the Isles of Scilly and we went into the details of the amendments to the Constitution and the election was very favourable. And I would like to go on record as saying that I can support the Motion wholeheartedly with that I have the backing of my constituents.

I thank you, Sir.

MR. PERCIVAL: Does any other Honourable Member wish to speak?

MR. CRADDOCK EDWARD: Mr. President, this Constitution has been a very touchy subject in this country for a number of years. Unfortunately on this occasion there does not seem to be too many files to put out. I, myself, held a meeting in my constituency and while the turnout was not as good as I would have liked to have seen it, I got full support from the number who did show up.

It has been the desire, the movement of the people of these Islands for a long time that the running of this country should continue to be in the hands of Caymanians. I would mention sometime back in a public meeting at North Side that there could be a few minor amendments to the Constitution which would create no effect or anything we may further than what we are at the present time.

MR. CHADDOCK *(Continuing)*: *There have been complaints that our people feel the different constituencies should probably have more elected members than they have. I have told them that we do not want to interfere with the Constitution because the Constitution controls this. So it has all been quite well understood and as I said, Sir, there seem to be no forces to come after on this occasion to the proposed amendments and for the consideration of a good Government and a better country, I say these amendments are in order and I support them, Sir.*

MR. PRESIDENT: *Does any other Honourable Member wish to speak?*

HON. MICHAEL J. BRADLEY: *I understand, Mr. President, that there may be another consequential amendment to be moved by my Honourable friend. But in the meantime I would see that if the Honourable Third Elected Member for East Bay wants to become articled as a law student, he would be welcomed in the law firm behind.*

MR. PRESIDENT: *Does the mover of the Motion wish to move the further amendment of which you mentioned earlier?*

HON. NORMAN M. PAIGE: *Yes, Mr. President, if it pleases the House we could just deal with it all one time.*

MR. PRESIDENT: *Will you be asking me to suspend Standing Orders first in order to enable you to move the amendment?.....*

HON. STUART M. PAIGE: *Yes .....*

MR. PRESIDENT: *Because if so I give permission in accordance with Standing Order 82 I think it is.*

HON. STUART M. PAIGE: *Yes, please. It is 82, Sir.*

MR. PRESIDENT: *..... for you to introduce the new amendment.*

HON. NORMAN M. PAIGE: *The new amendment is that paragraph 2 of the resolution be amended (1) by the deletion of the words "British Subject" and the substitution therefor of the words "a British Subject" and (2) by the addition, immediately before the words "British Dependent Territory Citizen" of the words "either a British Citizen or a".*

So while that looks somewhat complex, what we will really be doing is in the consequential section which follows on the Constitution which relates to section 20, then we would be stating (if that is read out), "if he ceases to be either a British Citizen or a British Dependent Territory Citizen who possesses Caymanian Status" so we would get there the wording of the part which is the negative to section 19 which is the right to sit in it.

MR. BENSON O. EVANS: *Mr. President, I am wondering if, Sir, it might - I am aware, Sir, I did not realise that I was not in committee. I am wondering, Sir, if it might not be appropriate to suspend the House for five minutes so that this new amendment which is now being circulated could be discussed informally amongst Members.*

MR. PRESIDENT: *I think that would be helpful. I had not realised it might not be self-explanatory. It is plainly consequential to the other amendment and as you drafted I would have thought that this*

MR. PRESIDENT (CONTINUING): point. But if Members would like to discuss it and that would be helpful, I would be happy .....

MR. DENNIS O. WALKER: Just, Mr. President, that as it is written it does not say in which line where we talk about British subject - and it is mentioned at least in two places within that paragraph.

MR. PRESIDENT: It is in any case the time when we normally do suspend proceedings for a few moments.

Just before I suspend, I know that it would be helpful to me and I believe it might be helpful to the Financial Secretary if, either before we take reconsideration or after - perhaps before, we could meet just for a couple of minutes in the Committee Room in Finance the possible timing of a meeting of Finance Committee and of the other matter. So if Members were content to go the Committee Room for a moment or would be the refreshment room, that would be a kindness.

I will now suspend proceedings for, we will give you twenty minutes this afternoon.

AT 3:55 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 4:20 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. I believe there may have been some discussion about the second proposed amendment to Government Motion No. 6.

Is the second amendment which you moved to Government Motion No. 6 in the form now in which you wish it or were you any intention of modifying it?

HON. HUMAN M. POSTON: No, Mr. President, it is in the correct form. It is consequential on the other one.

MR. PRESIDENT: I thought so. So we have now two amendments to the Motion. If I may, unless any other Member wishes to speak I will take the two amendments in turn. The first of the amendments affects the proposed new section 13 of the Constitution. And I will put the question whether Members agree with that amendment.

QUESTION PUT: AGREED. *"THAT AMENDMENT TO SECTION 13 OF THE CONSTITUTION BE PASSED UNANIMOUSLY."*

MR. PRESIDENT: Secondly then is an amendment which would affect that part of the Motion which authorises section 83 of the Constitution, I will again put the question whether Members agree with that amendment.

QUESTION PUT: AGREED. *SECOND AMENDMENT TO MOTION NO. 6 OF THE CONSTITUTION BE PASSED UNANIMOUSLY.*

MR. PRESIDENT: I will now put the question whether Members agree with the Motion as amended in the two ways just agreed.

QUESTION PUT: AGREED. *GOVERNMENT MOTION NO. 6 AS THUS AMENDED BE PASSED UNANIMOUSLY.*

MR. PRESIDENT: And I would now for the record, because I think that may be of significance to [illegible] Government when forwarding this Motion to them, that my impression is

MR. PRESIDENT (CONTINUING): Does the House have unanimous consent to the Motion. I think that is correct.

HON. MICHAEL J. BRADLEY: Mr. President, Sir, I was about to say on a Motion of this importance that perhaps a formal roll call would allow it fully on the record.

MR. PRESIDENT: I had given any Member who had objected an opportunity to make his dissent known and I think I can take it that all Members have supported the Motion. I think that that is clearly enough on the record and I shall certainly feel entirely free to inform the Secretary of State that it has the unanimous support of the Assembly Members.

GOVERNMENT MOTION NO. 5

CLERK: GOVERNMENT MOTION NO. 5 - PROPOSED ESTABLISHMENT OF CAYMAN ISLANDS COURT OF APPEAL (AMENDMENT TO THE CAYMAN ISLANDS (CONSTITUTION) ORDER, 1972).

HON. BENJAMIN M. BODDEN: Mr. President, I beg to move Government Motion No. 5 which reads -

WHEREAS subsequent to the resolution of the Legislative Assembly, a Select Committee was appointed by this Honourable House to consider and review the Elections Law;

AND WHEREAS as a result of the deliberations of the said Select Committee and in anticipation of the new categories of citizenship created by the British Nationality Act, 1981, it was unanimously determined that a resolution be introduced at this session of the Legislative Assembly petitioning Her Most Gracious Majesty that the Cayman Islands (Constitution) Order, 1972, be amended in respect of the qualifications as a Member of the Assembly and as an Elector;

AND WHEREAS it has been considered for a number of years in view of our rapidly developing commercial and economic structure that the time is appropriate for the establishment of our own Court of Appeal, but this such change necessitating as it did an amendment to the Cayman Islands (Constitution) Order, 1972, should not be proceeded with until such time as the necessity arose to petition for the amendment of the Constitution Order on account of some other material matter;

AND WHEREAS such time has now arisen;

NOW THEREFORE BE IT RESOLVED that this Honourable House whilst acknowledging with thanks and a deep feeling of gratitude the assistance that has been given by the Court of Appeal for Jamaica in law and order and the judicial process in these Islands, nevertheless feels that the time is appropriate for the establishment of our own Court of Appeal and therefore humbly petitions Her Most Gracious Majesty that the Cayman Islands (Constitution) Order, 1972, be amended in part / thereof by the removal of the constitutional provisions granting jurisdiction to the Court of Appeal for Jamaica, the establishment of a Court of Appeal for the Cayman Islands in a manner similar to the Court of Appeal established for other dependent territories and the granting of appellate jurisdiction to such newly established Court of Appeal.

And I so move.

MR. DONCON O. KNOWLES: Mr. President, I beg to second the Motion.

HON. TRUMAN M. BODDEN: Mr. President, this Motion on the agenda is one which all Members of this honourable House feel should be brought at this time as other changes were being made to the Cayman Islands (Constitution) Order, 1972.

I would like to begin on the resolution itself myself, by acknowledging with thanks and a keen feeling of gratitude the assistance from the Court of Appeal for Jamaica throughout the years. This Motion and this amendment does not mean that members of the Jamaican Court of Appeal will not be continued to be used. However, for what it has come to be where the Constitution in which I believe is possibly one of the most unique sections of the constitutions that I have looked at, has specifically made the Court of Appeal of another jurisdiction in section 49 to be the Court of Appeal for the Cayman Islands.

This as it stands now writes in section 49(1) that "subject to the provisions of this section, the Court of Appeal for Jamaica shall have such jurisdiction to hear and determine appeals (including reserved questions of law and cases stated) from the Grand Court of the Islands and, in connection with such appeals, such powers and authorities as may be conferred upon it by any law for the time being in force in the Islands."

The majority of constitutions in common wealth countries normally provide a Court of Appeal for their country, but in this instance, and it has worked well over the years, they have specified the Court of Appeal for Jamaica. I personally have been before the Court of Appeal for Jamaica and I can state that their calibre is undoubtedly one of the highest that you will find in any Courts of Appeal. As I mentioned earlier the amendment does not preclude appointment to the Cayman Court of Appeal of Members of the Jamaican Court of Appeal.

The Motion, Mr. President, has of necessity been one which has not attempted to go into the details of the actual constitutional drafting of the section which would replace section 49 but the Members of this House, especially my colleague from West Bay - the Third elected Member, have been very careful to put into this Motion that what would be established is a Court of Appeal for the Cayman Islands in a manner similar to the Courts of Appeal established for other dependent territories. And on that point, Mr. President, I would like to elaborate somewhat because it appears that there may have been some confusion (at least with some of the newspapers) as to what that means. A bit of research may you would have easily cleared the matter.

I would like to just mention briefly what is normally found in the Independent territories' constitutional orders relating to Courts of Appeal. Normally they number of these sections which are usually about ten or a half pages long, so I will not attempt to read it. But briefly there is an establishment of a Court of Appeal for the Islands. Secondly it normally states the number of judges in the Court of Appeal and that there shall be a president. More importantly, normally a section is inserted which reads like this - "The judges of the Court of Appeal shall be appointed by the Governor acting in his discretion by instrument under the public seal for such period as may be specified in their respective instruments of appointment". I want to make it absolutely clear that I am not saying that this is precisely what will be put in the Order, but it is very likely that provisions along those lines will be in there.

What is important in that section is that where it is specified "the Governor acting in his discretion", it is the Governor's sole discretion and normally the procedure, as I

HON. TRUMAN M. BODDEN (CONTINUING): understood it, is with the consent of the Foreign and Commonwealth Office for appointment of these judges. So let the public not believe that the word "Governor" means the Executive Council. It is very clear whenever a law states the Governor acting in his discretion, it excludes anything relating to the legislative bodies. In fact that is the situation, I am certain, with the appointment of Courts of records in just about all dependent territories and perhaps even here I believe with our Chief Justice.

There is a further section that normally deals with the tenure of office of judges of the Court of Appeal, or it lays down a specific procedure on which tenure can be and the limited duetimes in which a judge of the Court of Appeal would vacate his position on that bench. These provisions (that section) are quite long, as are the longest.

Then there normally follows a section relating to acting judges of the Court of Appeal and once again there is a specific section stating you know if someone is temporarily off, then once again the Governor acting in his discretion can appoint. And usually the last section deals with the oaths which have to be taken by the judges of the Court of Appeal.

The other matter I would like to point out is that this Honourable House has never unanimously rushed in and dealt with a matter like this without very careful debate and consideration. Any misunderstanding that anyone may get on this and looks at lightly or the done in a manner which is rushed, I would very clearly and confidently recant because whatever such an idea normally carry with it a period of time of looking at what is proposed to be done and also it carries with it (when it comes to constitutional amendments or I mentioned a little earlier) the approval of the Foreign and Commonwealth Office. So nothing in fact has been alluded to one of these newspapers) being rushed into. It has been looked at very, very carefully and not looked at foolishly as has been alluded.

I would like to point that out, Mr. President, because it is I think a very serious matter when matters which are gone and which affect the country as a whole, are seen by the eyes perhaps of persons not understanding the procedure that is carried out in this House as to how we deal with things. A motion is not like writing an editorial which can be overnight; it is something that we have looked at over a period of time and so has the United Kingdom, and believe me you do not rush them, and quite rightly.

In summing up, Mr. President, Sir, I would like to state again that the Motion is one that does not preclude your appointing, in your discretion, Judges of the Court of Appeal for Jamaica. Normally, it is a Motion that will bring in sections similar to what I have outlined where you and with the consent of the Foreign and Commonwealth Office, would be appointing these Judges, not the Legislature and not the Executive Council. The provisions which are quite lengthy, will be attached to the Motion and put in the form of an amending statutory instrument.

Lastly, I would like to stress again that the Motion is not one that has been taken lightly, it has been looked at carefully by us and I am sure has been and will further be, I would submit, looked at by the Foreign and Commonwealth Office in the United Kingdom. I believe that it is one that is in the interest of the Cayman Islands and the most appropriate time is when the consequential amendments relating to the British Nationality Act are being dealt with.

Once again I would hope that you would accept, as you and this on to the United Kingdom, that it carries with it the full and unanimous support of this Honourable House.

Thank you.

4:20 P.M.

HON. D. E. FOGGO: Mr. President, this might be an appropriate time for me to move the suspension of Standing Order 9(2) to allow the House to continue with their business in the hope of concluding this session, this evening.

MR. SPEAKER: My understanding is that Members would hope to complete the sitting on our business today and that the suspension of Standing Order 9(2) will probably be before anyone stands to leave. Unless any Member wishes to speak I will put the question that Standing Order 9(2) should be suspended in order to enable us to continue with the proceedings.

SUSPENSION OF STANDING ORDER 9(2) (SECOND OF INTERRUPTION)

QUESTION PUT: AGREED. STANDING ORDER 9(2) SUSPENDED TO ALLOW SITTING TO PROCEED TO CONCLUDE THE REMAINING BUSINESS ON THE ORDER ON THE DAY.

GOVERNMENT MOTION NO. 6 (SECOND AFFIRMATIVE)

MR. SPEAKER: The Motion before the Assembly is Government Motion No. 6. I will not read it through in full because it is rather lengthy. Does any Honourable Member wish to speak to it?

DEBATE ON GOVERNMENT MOTION NO. 6

MR. EDISON O. HARVEY: Mr. Speaker, I support this Government Motion No. 6, and I now request that I also propound my remarks of this proposed amendment.

This Motion being in somewhat different form to that of Government Motion No. 4 - that is in Motion No. 4 we spelt out quite clearly the precise terms of the amendments which we were seeking - whereas in this Motion we are asking that our Constitution be amended to provide for a Court of Appeal for the Cayman Islands in a manner similar to the Courts of Appeal established for other dependent territories and the granting of appellate jurisdiction to such newly established Court of Appeal.

Because of the way in which this Motion has been reached I did get some questions on this Motion at my public meeting, but with the assistance of the copies of the relevant sections of the Bermuda Constitution Order, 1968 and I think it was the Turks and Caicos Constitution Order, I was able to allay the fears which were expressed at that time, particularly in relation to the powers of the Judges. I was able to indicate that these would be done By His Excellency, the Governor acting in his discretion - meaning that it will be one of the reserved powers of His Excellency under the Constitution and that it will be done with the approval of the Secretary of State on the Queen and Commonwealth Office as the case may be.

Mr. Speaker, in spite of the points which the Hon. Official Member made to me in the Debate on the last Motion, constitutional law is in my opinion a very specialised field. It was for this reason why he felt that it was best to couch the Motion in this form and sort of, until I say, unless the Queen, and it is my hope and understanding, Sir, that when the proposed amendments to our Constitution is drafted to bring into effect the request in this Motion, we would then have an opportunity to circulate and take to our respective constituents the exact form that that amending order to our Constitution will take. I believe that this will certainly allay any fears which may exist; as I said at the end of my meeting I certainly was comfortable that I had dealt with the matter in a satisfactory manner and that my constituents were happy.

GOVERNMENT MOTION NO. 5

WHEREAS subsequent to the constitution of the Legislative Assembly a Select Committee was appointed by this Honourable House to consider and revise the Elections Law;

AND WHEREAS as a result of the deliberations of the said Select Committee and an examination of the new categories of citizenship created by the British Nationality Act, 1981, it was unanimously determined that a resolution be introduced at this session of the Legislative Assembly petitioning Her Most Gracious Majesty that the Cayman Islands (Constitution) Order, 1972, be amended in respect of the qualifications as a Member of the Assembly and as an Elector;

AND WHEREAS it has been considered for a number of years in view of our rapidly developing commercial and economic structure that the time is appropriate for the establishment of our own Court of Appeal, but that such steps necessitating as it did the amendment to the Cayman Islands (Constitution) Order, 1972, should not be proceeded with until such time as the necessity arose to petition for the amendment of the Constitution Order in respect of some other material matter;

AND WHEREAS such time has now arisen;

NOW THEREFORE BE IT RESOLVED that this Honourable House while commending with thanks and a deep feeling of gratitude the assistance that has been given by the Court of Appeal for Jamaica to law and order and the judicial process in these Islands, nevertheless feels that the time is appropriate for the establishment of our own Court of Appeal and therefore hereby petitions Her Most Gracious Majesty that the Cayman Islands (Constitution) Order, 1972, be amended in Part V thereof by the removal of the constitutional provisions granting jurisdiction to the Court of Appeal for Jamaica, the establishment of a Court of Appeal for the Cayman Islands in a manner similar to the Courts of Appeal established for other dependent territories and the granting of appellate jurisdiction to such newly established Court of Appeal.

HON. MERSON O. SMITH (continued): Now, Mr. President, I think it would be remiss of me if I did not indicate why I believe there is this, shall I say, emotional feeling about changing from the Court of Appeal for Jamaica. There has been a long history of association between the Cayman Islands and Jamaica. The Court of Appeal has served this country well and Caymanians have obviously received great confidence in the Court in that there have been very few appeals from the Jamaica Court of Appeal to the Privy Council - probably less than there have been from within Jamaica itself. And I think that this speaks highly of the regard which the local profession and Caymanians in general hold for the Jamaica Court of Appeal. But it is one of the processes of growing up that we should feel at this time that we would desire our own Court of Appeal.

As the mover said in the resolution, we have expressed our gratitude to the Jamaican Government and Court of Appeal for their assistance which they have given us over the years, and I believe that it has also been indicated to the President of the Jamaica Court of Appeal that it is hoped that if and when requested that members of the Jamaica Court of Appeal would find it possible to accept an invitation to sit on the Cayman Islands Court of Appeal. I think that this is desirable. The proximity of Jamaica to Cayman lends itself to such an arrangement. The familiarity of lawyers, both in Cayman and Jamaica, who practice here with the procedure in Court such as we have is like self help given assistance.

Therefore, Mr. President, I would like to stress that I duly much association myself with this commendation of gratitude to Jamaica for the assistance in the past and to have that the judges will find it possible, when invited, to sit on our Court of Appeal.

Mr. President, I have that my high and honourable colleagues in this resolution will be encouraged to members in the first form so that we can take it to our constituencies and that it will be possible to return to that, with those comments, Mr. President, I wholeheartedly recommend this Motion to Honourable Members.

CAPT. MCKAY O. KIRKCONNELL: Mr. President, I fully support this Government Motion No. 7. I am proud that we of the Cayman Islands have reached the stage of development where we can now feel it appropriate to appoint our own Court of Appeal.

I would like to state that we also have a consensus of the majority of Members of our constituency of the Sister Islands. My colleague and myself held a meeting at the Aston Rotary Club Centre recently which was well attended. We fully explained the meaning of this Motion and it was accepted by all.

I would like to thank the Honourable mover for his explanation on the appointment of the Judges of the Court of Appeal as this seemed to be a question at that meeting. I too would like to associate myself with the words of the previous speakers in expressing my appreciation to the Government of Jamaica for their assistance to us in their Court of Appeal and to many others who are to, next, and with this, Mr. President, I fully support the Motion.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

Does the mover wish to exercise his right of reply?

HON. TRUMAN M. BODDEN: No, Mr. President.

MR. PRESIDENT: If not then I will put the motion.

MS. PRESIDENT (INTERRUPTING): Again I will not with the leave of the House read it through because of the length. It is Government Motion No. 5; no amendment has been proposed to it and I therefore put the question that this House do agree to and do pass Government Motion No. 5.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 5 PASSED UNANIMOUSLY BY MEMBERS PRESENT IN THE CHAMBER.

MS. PRESIDENT: As I said when Government Motion No. 4 was passed, my understanding is that the vote was unanimous. If I am incorrect will any Member who voted against, please let me know so that I can feel confident that when the Motion is forwarded to the Foreign and Commonwealth Office I may say it has been passed with the unanimous support of all Members of the House. I take it I may say that - thank you very much.

HON. MICHAEL J. FOLLEY: Of all Members of the House present.

MS. PRESIDENT: Present, yes.

PRIVATE MEMBERS' MOTIONS

CLERK: PRIVATE MEMBER'S MOTION NO. 2 - [AMENDMENT TO THE MAINTENANCE LAW (REVISED) CAP. 91]

MR. EDSON C. FRANCIS: Mr. President, I beg to move Private Member's Motion No. 2 standing on my name which reads as follows -

> REVISED the Maintenance Law (Revised) Cap. 91 was passed by the Legislature Assembly on the 10th of July, 1969 and further published in Revised Form on the 15th of August, 1977;
>
> AND WHEREAS this said Law makes provision for the payment to persons to be maintained thereunder to be fixed at a maximum of $150.00 a week in the aggregate;
>
> AND WHEREAS with the effluxion of time and inflationary effects this sum is now deemed insufficient for the proper maintenance of such persons;
>
> BE IT RESOLVED that this Honourable Assembly requests Government to give urgent attention to the drafting and enforcement of legislation for the amendment of this Law increasing the payments which can be made thereunder to an amount reflecting present-day values.'

MISS ANNIE FULTON BODDIE: Mr. President, Sir, I beg to second this Motion.

MR. HENSLEY C. HAWKINS: Mr. President, I do not intend to spend a long time on the introduction of this Motion. I think the Motion is clear.

I would merely state that as far as I can determine from the Government's Statistical Department that a 1969 dollar, when this Law was first introduced, would have a value today of approximately $1.3 - that is as at the 30th of June, 1979 when I am today.

It is therefore clear that the maximum aggregate that can be paid under this Law needs to be increased if

MR. PERCOM O. NYAMKE (CONTINUED): CI$20.00 was considered an adequate sum in 1972. It may be, Mr. President, that then was not a reasonable sum for those days, but it must have been thought to be so by Members of the Legislature of the day.

It is to be noted that the resolution does not purport to give the form of the amendment which should be prepared for the Bill. It may be in fact, Mr. President, that other amendments might be seen to be necessary at the time and I certainly would suppose them providing they are within reason and make provision for the increased aggregate maximum to be paid.

I should make it clear, Mr. President, that this Law does not merely refer to legitimate children and such. It refers to every child whether born out of wedlock or not and so on, and it even goes on I think to review the duty of children to maintain their parents.

The problem that I see with the Law, Mr. President, is the fact that the CI$20.00 a week is the maximum aggregate that can be paid. If this is increased to a realistic figure it does not follow that everyone who are to meet a maintenance order would have to pay the maximum. The Law provides when a petition is made that the presiding Judge or Magistrate enquires into the financial affairs of the person from whom the maintenance is being sought and also gives due consideration to all aspects of the person's financial position, in order to make.

It is clearly inappropriate in this day and age, Mr. President, that the maximum that can be paid under this Law is CI$20.00. Therefore I can see no difficulty in the issue concerning this Motion and I commend it to Honourable Members for their favourable consideration.

MISS ANNIE NYAMAH BOSSMAN: Mr. President, in seconding this Motion, I feel, Sir, that we are asking very little for those unfortunate people who cannot take care of themselves. I feel, Sir, that as a responsible body should try to protect those who cannot protect themselves and I feel very sorry for little children who become of a separation myths of father and mother that they are, some of them, on the verge of starvation.

I feel, Sir, that we would be doing a great injustice if we did not try in some manner to increase this small amount of CI$20.00 a week.

Mr. President, I am not saying so boastfully, but when I was a child I was reared very poor and we had to, as my mother told us, eat what she could get. However, in these days now, Sir, (I have a few rain and two done and that now) me practically $20.00 a week to feed them) how in the world can a child survive on this small amount? I feel that we as people who have better should try to assist in every way.

I feel that if the new CI$20.00 was a great sum then, but now if the equivalent of it is only about US$ to one dollar, I feel that we would not be asking too much if legislation is required to provide that at least this amount be raised to CI$30.00 a week in circumstances where this amount can be realised.

I therefore support this to the fullest and I feel that this Honourable House could do no harm in giving us the support we need.

Thank you, Sir.

MR. K. NYAMAH BOSSMAN: Mr. President, I wish to support this Private Member's Motion No. 1. I find it reasonable and fair. Those persons eligible for this type of assistance in receiving these small payments cannot buy a loaf of bread any cheaper than anyone else.

MR. W. NUMAN MOORE (CONTINUING): They are the greatest affected by inflationary trends and if they are going to be helped then a realistic figure that will prove to be of some benefit to them should be set.

It seems to me that an adjustment of these amounts payable is long overdue and so, Mr. President, with these brief comments I give this my full support.

Thank you.

HON. THOMAS M. DODGE: Mr. President, no higher duty can a person have than the proper maintenance of their children on their parents and I fully support it.

HON. MICHAEL J. KHADIVI: Mr. President, Sir, I think that this is a reasonable motion. I am not able to speak on behalf of all my colleagues. I would just rise to say very briefly that apart though from the mistake and drafting technique by the Third Elected Member for Rural may be, but he has still a little bit to go and perhaps just for the sake of accuracy he may like to change one of the marginalia in his Motion.

At the moment it says, "AMENDING the Maintenance Law (Revised) Cap. 46 was passed by the Legislative Assembly on the 16th day of July, 1973 ....."; my copy of the Law shows that it was originally enacted as Law 1/1973 on the 31st of March, 1973 and in fact was last amended in 1973. This perhaps brings me on to what I originally intended to say, Mr. President, Sir, when I was up, that it is actually a Law which has been in force here for one hundred and ten years. It is couched in many ways in very old fashioned language. It has got a very interesting provision that there is a duty not only of parents to support the children, but an obligation of children to support parents. But the unfortunate part seems now seems to be that no parent shall be entitled to receive from any parent or parties in aggregate more than $20.00 a week which could mean that an unfortunate widow going upwards in that unusual person who had five children would not be entitled to receive more than $4.00 a week from each of them.

I think that the whole terms of the Maintenance Law could usefully be looked into and I think that the basis of the feeling of Members is that the amount is too low, but if Members thought that perhaps not only that particular provision but the ones relating to the enforcement of it, another unfortunate fact, Sir, under section 70 that whereas there is an liability of a husband to support his wife. In an equally discriminatory manner there is no liability of a wife to support a husband.

On that basis, Mr. President, I would say that if I am to continue I would be happy to continue for a few days till it is drafted.

MR. SPEAKER: Does any other honourable Member wish to speak?

Does the mover wish to exercise his right ..... I beg your pardon.

MR. CHARLOCK ERVINE: Mr. President, It is quite wrong to say that someone should receive any amount of money a week. I am much in sympathy with the welfare of a lot of children here I see, but we ought to realise that all children whose see in need of financial assistance for a better life, they are not the children of such individuals.

It is very unfortunate that men and women, especially young men and women, have found themselves in this dilemma. When you have a young or middle-aged man or a common labourer or a common worker, it is just not that easy for him find on how much

MR. RAMNOUK KRAMER (CONTINUING): suggested an increase of $50.00 a week for a child. So what happens then: he cannot deprive himself wholly and solely of all his finances to go towards the upkeep of one or two children. Now I am not trying to say, Mr. President, that no child should be left uncared for - I am not attempting to say that, but all I am trying to say at this stage is that we should be careful when imposing on people more than they are able to maintain weekly. I know the cost of living has increased.

I heard in the courts one day when one such case was being dealt with on maintenance and when the judge told the man, "You have those two children by that girl and you should take care of them." he said, "Yes, but I have a wife and three children.". He got himself in a mess, but you cannot beat the $24.00 or $100.00 a week out of his pay. If you put him in jail you do not get anything for it - it only costs the taxpayers money to feed him while he is there and the children are still in the same position.

I would have thought, Sir, that a reasonable compromise from $20.00 a week to $40.00 a week would be something for us to give some consideration to. Like the Honourable Second Official Member said we should do something about the old law that we have and make something worthwhile out of that.

That is pretty much, Mr. President, my contribution. I support the motion, but I do not think that we should try to impose the impossible on individuals. If someone put himself in a problem, you cannot tell one just because he is unable to pay.

Thank you, Sir.

MR. PRESIDENT: If no other Honourable Member wishes to speak, I will invite the Honourable mover to exercise his right of reply if he wishes.

MR. DENZIL O. KRAMER: Yes, Mr. President, I would like to thank Members for their support. With regards to the point made by the last Member, if the new law that the Attorney-General has offered to draft follows at least in manner of the enquiry into the means of an individual being held before the order is made and the order will be in accordance with what it is determined that the person against whom the order is being made is able to pay, then I do not think that we have too much to fear in that regard.

I would assume that the Honourable Second Official Member gathered from my introductory remarks to this Motion that I thought that there were other areas in the Law that needed to be tidied up. As is quite right, the Law was passed first, as I see it, on the 31st of March, 1961 and it was then amended in July, 1977 and then published in a revised form in 1977.

While the resolution, Mr. President, does not include this provision, I would in obtaining response to the Honourable Second Official Member - seeing for example the age of this Law, the time that it was revised and so on and that even I at this point in making my resolution said that it was originally passed in 1977 - might take into consideration when reviewing the Law what might be a novel idea of putting into the new Law/ordinance whereby the order could be increased automatically when the movement of the Government Consumer Price Index has by ten percent. I think this is the yardstick which is used for giving Civil Servants increases in salaries. It might be that when it is enquired into or investigated more fully, that that index would be difficult to place into a Law, but if it were felt that that would be useful I think it would certainly allow the complaints of Members that they could not in future overlook the increases which would be due to people under the orders.

MR. BENSON C. PARKS (CONTINUING): With those few remarks, Mr. President, I commend the Motion to the House.

MR. PRESIDENT: The Motion before the House is Private Member's Motion No. 3. I will not read the text of it out again because it is fairly long and has been read already. No amendment to it has been proposed.

QUESTION PUT: AGREED. PRIVATE MEMBER'S MOTION NO. 3 WAS SO UNANIMOUSLY.

PRIVATE MEMBER'S MOTION NO. 3

CLERK: PRIVATE MEMBER'S MOTION NO. 3 - GERIATRIC CARE.

MR. BENSON C. PARKS: Mr. President, I beg to move Private Member's Motion No. 3 standing in my name which reads as follows -

WHEREAS there is no resolution for the adequate care of geriatrics in the Government Medical Services or Social Services;

AND WHEREAS there are a number of geriatrics in the territory needing care and protection;

AND WHEREAS there is a geriatrician also at the Mines Replacement Home which is substantially completed and furnished;

AND WHEREAS the Management of the Mines Retirement Home has not been able to maintain their wing automatically because of lack of funds and staff;

BE IT RESOLVED that Government takes immediate action to negotiate with the Management of the Mines Retirement Home with a view to providing the staff and other matters or equipment that may be necessary to put this wing into operation for the provision of proper geriatric care for persons in the territory;

AND BE IT FURTHER RESOLVED that if on the result of such negotiations Government agrees to additional accommodation, then a submission be made to the Finance Committee for approval in the usual way.

MR. W. NORMAN SQUIRE: Mr. President, I beg to second the Motion.

MR. BENSON C. PARKS: Mr. President, I believe it was Shakespeare who said, "a poor, sickly, weak and decrepid old man", and I believe that he had in mind the geriatrics home I am speaking about in this Motion when he wrote those words.

As the Motion states, there are a number of geriatrics in the territory in need of care and protection. The facilities at our Hospital are as I understand it and in my opinion inadequate to deal effectively with them, and there is no other alternate vehicle within Government's Social Services to deal with the needs of these persons.

I have known of persons falling under this category who have remained in the Hospital for, some of them, well over a year if not two and the Medical Department needed and was mindful to discharge these people because they needed the beds which they occupied for persons who were actually acutely ill. But because we could of the lack of any other service, they were benefitted upon

MR. DENNIS H. FRANKS (Continuing): to retain these people in the hospital.

I am positive, Mr. President, if Members were to visit the hospital at this very moment, we would find a number of persons there who fall under this category.

The area of geriatrics is one in which nurses with a special tendency and talent for this type of work often specialize. It is not a job that every person in the nursing profession is trained or allowed to do. Be that as it may, Mr. President, and in addition to what I have said about the hospital, I can vouch for example that at this very moment there is one poor, frail, weak and deprived old man in my district who is used of care and he has no one to care for him, and frankly he's lot is very sad indeed.

We pride ourselves in the Cayman Islands, Mr. President, that children like to and in fact do care for their parents and in practice this is true, but the case arises where often the children die and leave the parents. This is where, in many cases, very sad situations arise. There are other situations where because of financial pressures people have to go out to work and persons who are not in the best of mental frame of mind are left at home and they are sometimes injured or if they are not found by a caring neighbour and helped they would get into very serious problems. It must be a matter of grave concern to those persons who have to leave the geriatrics at home to be at work not knowing what is taking place to their relations or charges at home.

Now, Mr. President, the remedy which has been suggested in this Motion, that is the negotiation between Government and the management of the Times to take over the Geriatrics Wing and put it into operation, is here because I see it as the quickest and most practical means and method of solving the problem. But I am not so, shall I say, hard-headed an intent to seeing this particular aspect of the resolution carried. It is not written in stone or metal. It ought to be obvious from the remarks I that my concern i that in the absence of existing services that Government take action to provide the services that are needed for geriatrics within the territory.

If, during the course of debate, I can be convinced that there may be a more appropriate way of dealing with this matter - as I said I am not going to stand on principal that this resolution must go through in its entirety; what I am concerned about is that the services and care and attention be provided as speedily as possible for these persons in our midst.

With those remarks I commend this Motion to the House

MR. PRESIDENT: The Motion is Private Member's Motion no. 3. I will not read the text of it again, and it is open for debate. Does any honourable Member wish to speak?

MR. V. MYRON BODDEN: Mr. President, I rise to support this Motion because I believe that it is requesting that action be taken in the right and important direction in our community.

Recent statistics have established that almost four and one half percent of our population fall in the age bracket of seventy years to eighty-five years and over.

Now usually in my country because of the love and affection held by families for their elderly, some are properly cared and provided for. And I have recently visited certain persons whom fortunately this has been the case. I can truthfully say that they were properly cared for and I only wish that I could stand here and say this country that this is the case for all our persons in our community and I do not suppose this Motion would be before this Honourable House. Nevertheless, Mr. President, 4.3% of our population

MR. W. NORMAN BODDEN (CONTINUED): of our population is a considerable figure to reckon this many of whom are in need of help, protection and care. Of this there can be no doubt, and I daresay that in spite of love and a sense of responsibility by some there are, those who genuinely lack the means and ability to properly care for their elderly and as a result they have want and need and suffer.

It is also true on the other side of the coin the demanding drive for the dollar in Cayman today and because of this many do not take the time to care about the elderly and so many are left neglected, hungry, dirty and dying. Whether one wants to accept it or not, the social needs of this country is fast reaching a critical stage and one specific area that requires immediate attention is the need for the elderly in our midst, whether it be the Pines or elsewhere.

The problem of old age and the needed care accompanying it will not go away. The World Health Organization has said that by the year 2000 there will be more old people alive on the earth than youth. The need will always be there and the demand must be met one way or another. As medical science and health care continue to increase, man will naturally live longer and the needs and comforts under which he spends his last days on earth must be provided for by careful and considerate planning.

Mr. President, I find this a most timely, reasonable and worthy measure that should be favourably considered and I give it my full support.

Thank you.

MISS ANNIE HULDAH BODDEN: Mr. President, Sir, I too support this Motion. I am in that older category (seventy-five) and unfortunately I have not got a soul in the world with a drop of my blood who would take the trouble to take care of me if I could not take care of myself. I feel, Sir, that this is a matter which we should really pay some attention to.

I am not sure that it would be so workable at the time, but nevertheless for the time being we could have something put there until we get something better. I feel that each and every one of us here owe a responsibility to the older people.

As things seem to be going now there will hardly be any young people left because they apparently in the pleasure of seeking things that excite them they are chiefly killing themselves, so we might have to do with old people for ever.

I am suggesting, Sir, that we seriously consider this matter because as sure as we are alive we might get older. I heard somebody say not too long ago, "I do not want any wrinkles in my face.". Well, the reply was, "If you do not want any wrinkles in your face you will have to die young.". Nobody wants to die young and old people will always be here. As has been stated, I think it is time that we take this matter seriously and go ahead and do something to provide for this type of person.

Thank you, Sir.

HON. TRUMAN M. BODDEN: Mr. President, I am sure that the remarks contributed by the Members speaking on this for the elderly people is a concern of every Member here. I would like to give the assurance that I record and the Government regards the care for the aged as extremely important and it continues to upgrade and improve the services. However, matters of this nature are never simple.

I would not like to be bound to go into a specific discussion on the Motion now, but I think that the problem can best be dealt with when the matter is looked at by persons who are professional in this area and a decision made at that time. It would well be that that is the proper route to go, but at this time I am not

HON. TREMAIN F. RODGERS (Interpreting): ... in a position where I can support it because I do not know if that is the proper route.

The situation is complex in dealing with a specialized area of the medical profession and we are dealing with looking at quite an unknowable matter. I will give the assurance that the concerns which Members have expressed are my concerns also, but I believe if you take and attempt to tie us into going in one specific direction and it proves not to be the right direction, we will really not have achieved what I think your sentiments expressed you wish to achieve.

While I regard the matters as urgent, important and serious I would however like to point out that the Hospital and the medical facilities do provide a certain amount of care, and as one Member has commented that has been quite good. It does at times put some strain on the Hospital facilities, but whether this is the proper direction to go I really do not know and I would prefer to be left in a position where I understand to get the matter crystallized and to come back to Members here as early as I can stating what appears to be the best position to go and what the cost will be and what the effect of it will be.

Thank you.

CAPT. CHARLES C. KERNCOMPELL: Mr. President, I rise to support the Motion. I know it is a concern of all of us here in this House and I do agree with what the last Member has said that first of all before we tackle the problem we should know exactly where we are headed. I do feel that a survey should be made so that we will know how many people are in this category and how many people need help.

I am sure every Member of this House would readily vote for funds to provide care for these veterans. I would say here and now that my entire salary from this Honourable House I give to the less fortunate, and much more. So I am very much in sympathy with what is being done, but I would like to see first of all a survey to know the extent of the need in the community so that we will not be headed on a course like a ship without the rudder.

I would recommend that we approve the Motion or vote for the Motion, but that we give the Honourable Second Elected Member of Executive Council latitude to come back to us and say in what direction he thinks we should go.

I support the Motion with these words, Mr. President.

MR. SPEAKER O AGLUKAK: Mr. President, I do not know whether you would invite other Members to speak if they cared, but I am prepared to wind up.

MR. PRESIDENT: Well I was just looking to see whether any other Member wished to speak. Actually I think before I invite you to wind up, if there is another Member .....

HON. G. ERIC GRIFFIN: Mr. President, I shall confine my debate to just a few words. The request sought in the Motion is that Government take immediate action to negotiate with the management of the Pines Retirement Home with a view to providing the facilities to run the geriatric wing at the Pines Retirement Home.

I believe that such action has already been initiated by the Minister because some time in August I received a copy of a letter which had come to Government to the portfolio of Health asking for my comments on whether Government should step in and man, furnish and staff this particular wing of the Pines Retirement

HON. C. HAIG BOSUSO (CONTINUING): Some, as this matter has already come to Government at least on a portfolio level.

I give my assurance on the matter and I believe in due course the Portfolio for Health will probably be taking the matter up with Government. However, I must say that the results which are sought, if carried out or if action is taken in the manner suggested by the Resolution would probably be the most expensive way to cope with the problem of the aged.

My reading of the letter which came to me was that if Government steps in and carried out the request of the Times we would have a very sophisticated institution which would, perhaps, be very costly and would, in effect, be unmanageable for Government to run.

The Government, everyone knows, has recently given a large loan to the Times for the building to be completed. The Resolution is devoid of any stipulation on which concrete action could be taken. For example, it simply says home "there are a number of societies" - it does not say how many - it says "there is no provision for the adequate care" and I believe there is some provision - has always been some provision and it is impossible in a situation like this, for us here today to take action which would tie Government into a one-track solution to the problems of the aged. In fact the second paragraph of the Resolution goes on to say that we even make a submission to Finance Committee for approval of, I take it, this Resolution is accepted today.

MR. PRESIDENT: Could I interrupt the Honourable Member for a moment. I am told that the tape needs to be changed and this will take about a minute and if the Member wishes his speech to be recorded for posterity I must ask him to bear with me for about a minute.

(TAPE CHANGED)

HON. G. HAIG BODDEN (CONTD): Mr.President, I would just like to conclude by saying that I congratulate the Member on bringing the motion to the House, a motion which I know will receive Government's support, although the method used to deal with the problems will probably be not exactly as the motion requires.

My only concern is that if we now take a decision to refurbish this wing at the Home for the care of all of the very sick and many old people in the Islands, that it would, in fact, be an extension of the hospital and I am not sure that there is space available in the Home to cope with this, and I would certainly hope that the Member for Health will look into this matter and get the advice which he needs. Perhaps come back to the Finance Committee with proposals, perhaps in the Estimates for 1994 to eliminate the problems which have been so forcibly presented to the House.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak....

MR. J. CANTON SMITH: Mr.President, I am also, Sir, very much concerned about the motion we have before us today. It is almost a conceptic problem that I have to deal with as a representative of the people of my district. But, Mr.President, I support the suggestion made by the Honourable Member for Cayman Brac that we give the Member responsible for this a little more latitude, let him go into it, and then report back to this Honourable House.

Mr.President, I do not feel that we can make a very intelligent decision here in this morning.

I thank you very much, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak?

SCT. T. C. JOHNSON: Mr.President, may be I can offer a few comments on this subject. I think we all generally agree that the aged should be cared for. It is basically evident from the contributions on the Loan Government have given to the many Homes, or Home for the aged.

However, the motion before the House tends to steer the Member responsible for the subject in one direction only, and I think this direction may end up not being the most economical one while still giving the best of care for the aged. I am in agreement with the Member from the Sister Islands who said let us leave it with the Member, let us give him more latitude for a solution to be found but a proper exercise to be carried out and the funds to be considered the equipment that is necessary to carry out this service, the amount of personnel that will be needed and whether or not the Home is the appropriate place for this to be done.

Thank you, Mr.President.

MR. PRESIDENT: The Member for North Side.

MR. CRAWFORD EBANKS: Mr.President, I am not going to burden the Member if he closes the motion. We have just dealt with the motion dealing with young children and we have the motion before us to deal with the old children, and I think that that is just as important or even a little more important that the young are coming up the old going down.

It is very important, Mr.President and I believe every Member of this House has every good intention

MR. CRADDOCK PEARKES (CONTINUING): to do any and everything that is reasonable, fair and just to help to make the lives of the elderly as comfortable and prolong them as long as possible. But it is quite easy to say that Government should take it over.

We have people and families that can better look after their parents or their elderly people than what they are doing. It is not very much that Government can do about that, but at the same time we cannot let the old people suffer on that basis. But I think we ought to know where we are going and what we ought to do before launching out in any direction, whether it is Government taking over or whatever other course might be suggested.

That has been pointed out by the Second Elected Member of Executive Council is reasonable and I think we should give him an opportunity to investigate and see what really might be able to be done about the whole situation. It could then be brought back and we can go into it in detail to see how best it can be undertaken.

Mr. President, I thank you, Sir.

MR. PRESIDENT: Now I think probably the Mover can reply.

MR. BERSCH O. EMANUEL: Mr. President, I would like to thank Members for their support of this motion.

In moving the motion I indicated that the solution which I suggested in the resolution was not given in about that what I was seeking was care for the geriatrics in the territory and if Members will read the resolution carefully may be it is the art of the craft of drafting, they will see from the second resolve section that there was no intention to commit Government to anything. It was merely to ask Government to negotiate, but, Mr. President, I am somewhat surprised at the Member from Golden Town who talked about the lack of initiative and there being no guidance for concrete action and so on; I have said there are a number of geriatrics in the territory who needed care and protection and I have said there is no problem for adequate care for these people in the medical or social services.

They are facts which cannot be refuted and I am not prepared to accept his suggestion of remedy in "due course", because that has come to be known as "course never date". I am not prepared to give too much latitude or longitude in this matter; what I am prepared to do is to accept the assurance which I understanding the Member for Health to have given and that is that the matter will be looked at urgently.

I realize that he needs advice and this expertise is readily available to him, but I am seeking, through this resolution, Mr. President, merely to have the assurance that the matter will be attended to urgently.

The suggestion of the Elders by me was merely, as I said in the resolution, my understanding that there is a wing there that is, for all intents and purposes, complete; it is furnished, I understand, or substantially so and what the lack of proper staffing is the biggest problem and this is why St. Joan Hostel or as we to be seen as the most urgent solution to the problem, but I did say and the resolution indicated that this was not engraved in stone and if Government, in the consideration of the motion and in its negotiations with the

MR. ERNEST O. EBANKS (CONTINUING): Since we find that there is a more economical and as satisfactory a way of dealing with the matter I am not going to press for the resolution to be taken to the latter of the word.

I think the case has been made and I feel that if I understand the Minister for Health correctly, he is giving the House the assurance that he will urgently seek the advice that he needs and give this matter his urgent attention.

I see the Members rise in agreement, Mr. President, and if this is the case I would seek leave of the House on the basis of that assurance, to withdraw this resolution. It is not my intention to ask Government to do anything without proper investigation, but I think the resolution has served its purpose to drive home to Government the urgency for the need for something to be done about this matter and, as I said, November is not far away, and I am not prepared to give too much latitude, or longitude; I will wait a reasonable time, but not what the Member for Bodden Town considers "due course", that is too long a time.

MR. LANNITERY: My understanding is that the Member is seeking the leave of the House to withdraw his motion in accordance with the terms of Standing Order 24, sub-order (14).

MR. ERNEST O. EBANKS: That is correct, Mr. President.

MR. PRESIDENT: I think I sense that the House would probably grant that leave - a number of Members seemed to have been of the opinion that that would be a sensible course.

Sir, I will take it that leave is granted and the motion is withdrawn. That is the end of business on the order paper.

The Clerk advises me that I should put the question on the question of the withdrawal of the motion; I will therefore do so. The question is that the House grants leave to the Member in accordance with the terms of Standing Order 24, sub-order (14) to withdraw his motion. All those in favour please say aye, those against, no, the ayes have it.

MOTION WITHDRAWN.

MR. PRESIDENT: The adjournment.

ADJOURNMENT.

HON. D. M. FOSTER: Mr. President, I move the adjournment of this House, sine die.

MR. PRESIDENT: The motion is that this House do now adjourn, sine die. All those in favour please say aye, those against no, the ayes have it.

AT 4.56 P.M. THE HOUSE ADJOURNED SINE DIE.

BUDGET SESSION AND
FOURTH MEETING OF THE (1988) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
FRIDAY, 18TH NOVEMBER, 1988

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER LLOYD, CBE, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS M FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, LLD	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 THOMAS M BODDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
*HON JAMES M KILLEN	MEMBER FOR TOURISM AVIATION AND TRADE
HON G HAIG HUGHES	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CAMPTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D KALMAIN FRANCIS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR HARROLD D MYLES	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN TIBBETTS, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HOLDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L MILLICONDELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARK E TIBBETTS	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EVANS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

*Absent

ORDERS OF THE DAY

FIRST DAY

FOURTH MEETING AND BUDGET SESSION
OF THE LEGISLATIVE ASSEMBLY
COMMENCING FRIDAY, 14TH NOVEMBER, 1986

1. PRAYERS BY THE REV. JOHN R. OMAY, B.Th., MBE

2. THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE, 1987
TO BE LAID ON THE TABLE BY THE HONOURABLE FINANCIAL
SECRETARY, MR. THOMAS C. JEFFERSON.

3. GOVERNMENT BUSINESS:-

THE APPROPRIATION (1986) BILL, 1986 - FIRST & SECOND READINGS
FINANCIAL STATEMENT TO BE DELIVERED BY THE HONOURABLE
FINANCIAL SECRETARY, MR. THOMAS C. JEFFERSON.

DEBATE TO BE ADJOURNED TO A DATE TO BE FIXED.

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MONDAY THE 19TH NOVEMBER, 1984

10:00 A.M.

MR. PRESIDENT: The Assembly is in session. I will ask the Rev. John Gray to say prayers.

REV. JOHN GRAY: Let us pray.

Almighty God, from whom all wisdom and power and counsel, we beseech Thee so to direct and prosper the deliberations of this Legislature 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, Elizabeth, the Queen's Mother, Philip, Duke of Edinburgh, Charles, Prince of Wales, and all the Royal Family. Give grace to all who exercise authority in the Commonwealth that virtue and happiness, truth and justice, religion and piety may be established amongst us.

Especially we pray for the Governor of these Islands, Executive Councillors and Members of the Legislature, that they may be enabled faithfully to perform the responsible duties of their high offices in the strength of the Lord and in the power of His might, through Jesus Christ Our Lord, Amen.

MR. PRESIDENT: Please be seated.

THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS, 1984 - LAID ON THE TABLE

HON. T.C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure of the Cayman Islands for the year, 1984.

MR. PRESIDENT: So ordered.

THE APPROPRIATION (1984) BILL, 1983

FIRST READING

CLERK: The Appropriation (1984) Bill, 1983.

MR. PRESIDENT: A Bill entitled the Appropriation (1984) Bill, 1983 is deemed to have been read the first time and is set down for a second reading.

SECOND READING

CLERK: The Appropriation (1984) Bill, 1983.

HON. T.C. JEFFERSON: Mr. President, I move the second reading of a Bill entitled the Appropriation (1984) Bill, 1983.

(SEE ATTACHED FINANCIAL STATEMENT)

BUDGET ADDRESS

ON

DELIVERED BY

THE HONOURABLE L. C. JEREMIAH, M.Sc., B.A., A.Sc., J.P.

FINANCIAL SECRETARY

TO

THE LEGISLATIVE ASSEMBLY

AT THE

AUGUST SESSION, FOR THE YEAR 1954

HELD ON THE 16TH NOVEMBER, 1953

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BUDGET ADDRESS

DELIVERED BY
THE HONOURABLE T. C. JEFFERSON, M.Sc., B.A., A.Sc., J.P.
FINANCIAL SECRETARY
IN
THE LEGISLATIVE ASSEMBLY
OF THE
BUDGET SESSION, FOR THE YEAR 1984
HELD ON THE 19TH NOVEMBER, 1983

Mr. President,

Each year the Budget Address is presented with the intention of conveying to this Honourable House an accurate account of the financial affairs of Government and the state of the economy. This not only serves to keep the people of this country informed of Government's operation and its various programmes, but also to response to criticism which may be harmful to these Islands' economy. As Financial Secretary, it is my pleasure to present the annual Financial Statement for 1984 with comments on the current year, 1983.

Mr. President, the Cayman Islands, as well as other offshore financial centres, have sustained much negative publicity in the North American continent (especially in the United States) which has attempted to paint a very unfavourable and distorted picture of these islands. It appears sensationalism has run rampant from the pens of some journalists in an attempt to sell many copies of magazines and newspapers. There are those persons, Mr. President, who strive to improve their careers by damaging the good names of other individuals and countries. I ask Almighty God to have mercy on their souls and bless them with the ability, in the near future, to see the good points too. No country in this world, Mr. President, has a perfect score and, if we were to rate all of them in terms of efficiency and integrity of its Government, freedom, human rights, etc. I have no doubt that the Cayman Islands will be among the top. Speaking generally, Mr. President, Caymanians are independent, honest, God fearing and people of great pride and I ask them not to lose these commendable characteristics.

As an offshore Financial Centre, the integrity of the Cayman

Islands Government is most important and I have been encouraged by the open approach to investigate recent rumours and allegations. Justice must not only be done, it must also be seen to be done.

Recently, Mr. President, there have been a few rumours concerning Gainful Occupational Licences or work permits and let me assure the Private Sector and the rest of the World that the policy has not changed. Issues will occur, from time to time, on delicate issues but a negative change of policy would certainly not be to the advantage of these Islands and its people. We have forty competitors offering, to some degree, the same facilities and we must always look towards what is in the best interests of our people. Other countries have made irreversible errors when dealing with this matter. It would be unfair, Mr. President, to blame local organizations for failing to train local staff for top level posts when local persons with the qualifications to enter tertiary education are not available as those who possess them have already entered.

Mr. President, allow me to say to the people of the Cayman Islands, recess is over, let us get on with the job of working together to build a stronger and better Cayman. Let us not destroy, by rumours, the good country Caymanians have toiled for decades to create for us. Mr. President, let us continue to build this country for our children and theirs.

2. THE ECONOMY 1983

The economy of the Cayman Islands is based on activities in the financial industry, tourism, construction, real estate business and local industry. These provide the sources from which the country meets its financial obligations. An economy like ours tends to move to a slow pace of activities one year to eighteen months after the United States experiences a recession. However, the recovery is influenced by local conditions especially the political atmosphere.

There is optimism in the economic future of these Islands as long as stability is maintained. However, since our economy

activities tend to be controlled by external factors, the performance and duration depends on the industrial nations and how well they can control the fundamental problems of unemployment, money supply and inflationary pressures. Our consumer price index has risen by 9% over the past two years which is lower than some of the industrial countries.

I shall now outline the performance of the major sectors of the economy during 1989.

a) Financial Sector

(i) Banking

In last year's Address, I mentioned the advent of a phenomenon which was, at one stage, hailed as the beginning of the end for the Caribbean offshore centres. The international banking facilities, or IBF's as they are usually known, have now been in operation in the United States for approaching two years and, I believe, it would be difficult to find anyone, even among their most ardent supporters, who would claim that the Cayman Islands and the Bahamas are reeling from their effects. Although the potential for further rapid expansion in the volume of business using banks through the Cayman banks will have been curtailed, the uncertainties surrounding the IBF's (particularly their tax status) have not encouraged the U.S. banks to abandon Cayman.

Even were there to be a falloff in business originating from the United States, it would appear that the Cayman Islands are becoming increasingly attractive for banks from more distant centres. Concern about long-term political and military developments in Europe and parts of the Far East has encouraged a number of leading banks to look to what they view as a truly stable environment for the establishment of their offshore operations. Some about three-quarters of the banks granted licences so far this year have come from areas other than the United States. At the end of last year, there were 428 banks and trust companies licensed to carry on business from the Cayman

Islands Ltd. The roster of licensees are estimated to increase to 155 by the end of December. The undoubted reputation and standing of most of the institutions added to the list confirm the Government's view that the careful approach of recent years to the licensing of banks will continue to pay a handsome dividend.

However, as the Chairman of Swiss Bank Corporation recently cautioned at the opening of his bank's new building, the benefits we all enjoy at present could quite easily disappear if we let our standards fall or we are less than cautious in our attitude to the type of business to be encouraged in the Islands. We are all aware that Cayman has many detractors and that the hard work of many years in promoting the good name of the Islands can quite easily be undone by one imprudent or careless act. These benefits, of course, extend well beyond the licence fees which, alone, will prove to well in excess of $3.6 million in 1993. Our annual survey of the banking sector shows that, last year, there was total direct expenditure in the Islands of $82.1 million including Government fees, salaries and capital expenditure, an increase of 8% over the previous year. This is the equivalent of about $7,000 per head of population. Local employment in the sector also continued to rise, with a 17% increase in the workforce bringing the total to 931 persons, of whom three-quarters were Caymanian. Of course, this is merely the tip of the iceberg when one considers the numbers involved in servicing the needs of the banks and trust companies and their personnel. I am confident that the contribution of the banking sector to the overall economy will continue to strengthen, provided that all concerned maintain their vigilance.

(ii) Agricultural and Industrial Development Board

The AIDB, now in its fourth year of operations, has proved to be of much assistance to the small business operator in the Agricultural and Industrial sectors of the economy. Demand by borrowers in these two sectors have increased significantly with total loans of $190,000, an increase of 12% over September,

1993.

(iii) Cayman Islands Currency Board

The total assets of the Cayman Islands Currency Board as at 30th September, 1994 was approximately CI$12.4 million.

The major liability of the Board continues to be currency in circulation which stood at CI$7.4 million at the end of September. In accordance with the Currency Law, 1974, the main backing of the currency is securities denominated in United States Dollars and issued or guaranteed by the Government of the United Kingdom, the Government of the United States or the Government of Canada. During the year, the Board increased its holding in bonds in the 1-3 year range and the market value of the bonds as at 30th September was about CI$7 million. Section 4(2) of the Currency Law also requires at least 75% of the Board's demand liabilities must be held in liquid form and this was approximately 94%.

The special occasion of the Royal Visit of Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip in February this year was marked by a commemorative coinage issue by the Board. The Board authorized the Royal Mint to strike these coins: a 925 gold proof coin, a 925 silver and a 916 silver proof coin. The obverse sides bear the Arnold Machin portrait of H.M. Queen Elizabeth II and the reverse sides depict the Michael Sibello, R.C.A., portrait of the Royal Couple flanked by the legend "Royal Visit" and the denomination of the coin.

The annual Eight Coin proof Sets carry new designs for the four highest denominations and the $5 coin in these sets also commemorates the Royal Visit.

In 1993, the Board transferred CI$1.4 million of its 1992 net profits to the Government's General Revenue.

(iv) Companies Registration

As in previous years, Companies and Shipping continue to be the most important areas of the Registry, both in terms of work in the office and monetary returns.

For the period 1st January to 30th September, 1993, approximately 1,950 new companies were incorporated in the Cayman Islands, generating approximately $165,000,000 in comparison with 2,259 new companies and $155,879,259 for the same period in 1992. In 1993, it had been estimated that the total sum of $197.5 million would be collected from company registration but, because of present world financial conditions which affect the Cayman Islands, this figure was revised downwards to $184.5 million.

One of the major achievements of the Registry this year was the placing on the computerized register of approximately nineteen thousand companies. Full computerization of the Companies Register has now been achieved and all billing for the 1994 annual fees is scheduled to be sent to registered offices by mid-December, 1993. In addition, work has now also commenced to place approximately 100 Trusts registered under the Trust Law 1967 on the computer. When these Registers have finally been fully computerized, it will lead to greater efficiency in the running of the office and it is expected that one or two temporary staff positions will become redundant.

The Companies Law has been in effect for more that two decades, with virtually ten amendments of substance. Taking into consideration the changing world of international finance, it seems now appropriate and in the best interests of the Cayman Islands Financial Centre's operation, to review all sections of the Law.

At this Sitting of Legislature a Motion will be moved to create a Select Committee to carry out the review. It is proposed to invite comments and representations from members of the public who are significantly conversant with the law to make a contribution.

(v) Accounting Firms

The International Accounting Firms play an important part in the Financial Sector of the economy with direct and indirect expenditures of $154.5 million and by employing 327 staff.

Caymanians form 58% of the staff and there are 60

Accountants. Training of local staff is being conducted in a variety of ways. Twelve students are being sponsored for full-time overseas training to qualify as professionals. Others are being trained on the job and some are attending local part-time evening classes.

(vii) Company Management

The business of providing the services of Company Management has grown substantially over the last 3-4 years. At present, it appears that there are less than 20 firms performing this service. At this Sitting of the Legislature a motion will be made to create a Select Committee to study legislation to regulate Company Management.

Total employment of these companies is 60, of whom 74% are Caymanians and direct and indirect expenditure is approximately CI$2.3 million.

(viii) Legal Firms

Legal Firms have assisted the establishment of the Cayman Islands Law School and have sponsored, so far, 8 articled clerks. The School provides opportunities for Caymanians who would find it difficult to study for 4-5 years overseas as some have families. It is hoped that the legal profession will exert its influence in keeping down operating costs of the School.

The Contribution to the Sector is CI$4.0 million and employs 142 staff, 60% of whom are Caymanians.

(viii) Insurance

Insurance continues to provide a steady growth factor to the Cayman economy. In July 1983, 152 persons were employed directly in the industry, 70% of whom were Caymanians. In addition, many more persons are partly or wholly involved in the insurance industry from Law Firms, Accountants, Banks and Trust Companies. It is estimated that the insurance industry provides over 5,000 insurance related visitors annually. Domestic gross premiums are over $7 million whilst direct operating expenditure was over $4

million. Phase Three of the $10 million British American construction project is due to start shortly and the $5 million Transnational House Phase Two has already commenced.

Offshore insurance continues to steadily expand with a net growth of four new licensees per month. At the end of September there were 269 licensed "B" Class insurers and 33 licensed underwriting managers. The offshore business is expected to generate over $3 million to Government in 1993. The average offshore company writes gross premiums of over $3 million and has a capital and surplus of $1 million.

Mainly due to poor past results from reinsurers in other territories, it is expected that United States and Europe will attempt to exercise some control over where their domestic insurers place their reinsurance. For this reason, the Office of the Superintendent of Insurance is anxious for Cayman to consolidate its early achievements and become respected by other regulatory bodies. It is expected to see, in 1994, a levelling out in the number of new licensees although indications are that applicants will be professional and of a high financial stature.

To summarize, Mr. President, the total direct contribution to the economy by this Sector is the employment of 1,325 staff and total expenditures of $52.0 million. The total number of Caymanians employed in the Financial Sector has now reached 943.

Growth of the Sector has continued although it has experienced the tail end effect of the United States recession also particular regard to Company Registration. If the economic recovery continues around the world but, more especially in the United States, the Cayman Islands economy will experience more activity in the coming year.

b) Tourism Sector

Tourism in the Cayman Islands rebounded in 1993 and all indicators show increases. Arrivals by air were up 6.3% to 93,373 tourists whilst cruise ship arrivals for the same period were 127,723 up 13.5% over the same period in 1992. Hotel occupancies have also recovered and this may be one reason why

hotel inspections, this year, were quite favourable. With a few exceptions, our tourist accommodations proved to be in the best condition since inspections started 10 years' ago.

Product quality has become a tourism priority in recent years and during 1991, the Deputy Director has worked on new legislation to assist in the improvement of the various sectors of the tourist industry. It is hoped this new legislation will be brought to this honourable House in the very near future.

Cruise ship arrivals continue to play a strong role, not only with increased numbers, but with a variety of new ships. This trend is expected to continue in the foreseeable future. It is important to note that, while cruise ship passengers will spend about $3.5 million here in '93, their real value is in the positive message they carry back home. These passengers frequently return as a stopover air arrival accompanied by their friends. This positive form of advertising is impossible to measure, but it certainly assists in promoting the Cayman Islands.

No doubt the real reason for our big increase, this year, is the recovery of the United States economy. The U.S. sales force has worked hard and are to be commended, but the improved economic standing of the United States, which has placed more confidence in the consumer to spend, is obviously the main factor. A good winter season and increased traffic throughout the coming year is forecasted based on improved methods of operating these Islands. Our advertising impact is small compared to our competition but it can accomplish the job if properly directed.

The employed labour force of the Sector which includes hotels, condominiums and restaurants is 1,214 staff with Caymanians representing 61%. The contribution to the economy in the form of direct expenditures is CI$90.2 million. Three members of staff are pursuing Hotel and Condominium Management in the United Kingdom and the Bahamas respectively while eighteen are being trained on the job.

c) Construction Sector

Activity in the Sector was much heavier during the year mainly in commercial and private residential development. At the end of the first nine months, 351 applications were approved by the Central Planning Authority costed at CI$60.5 million, a 7% increase over 1982.

Significant progress has been made on the drafting of a Cayman Islands Building Code. Mr. Thomas M. Moses, former President of the Southern Building Code Congress has been retained for the purpose.

The Report of the survey of the 1977 Development Plan has been completed and made available to the public by the Central Planning Authority. Objections to any of the proposals will be referred to an independent Tribunal. It is hoped that the Code and the Survey will be submitted to the Legislative Assembly in 1984.

Employment in the Sector is 741 workers and its contribution to the economy is CI$40 million.

d) Agriculture and Fishing Sector

The Cayman Islands Department of Agriculture continues to be very active in their endeavour to decrease the heavy dependency on imported food by increasing local food production.

A new import quota is set to achieve self-sufficiency in local meat production. The Department is equipped for this with the artificial insemination and herd health management programmes and an area of the Demonstration Farm has been reserved for livestock production and research.

Cattle production is on the increase and recently, a number of cattle owners have upgraded their herds through selective breeding by artificial insemination and by the purchase of pure bred Black Angus stock.

In the near future, one or two medium sized piggeries will be established in the Islands to facilitate local availability of good quality pork.

The Government continues its commitment to farmers by

providing duty free, equipment and other materials, for agricultural purposes and the Agricultural Society is most active in their support for the Department's agricultural production.

The Government Demonstration Farm at Lower Valley continues to carry out experiments in agronomy and horticulture. Varieties of bananas and plantain are well established and planting material is now available to local farms which continue to thrive.

The Marine Parks Committee has been meeting all year to consider the selection of suitable sites and to recommend what activities, enforcement methods and methods of investigation would be required in operating and maintaining Marine Parks around the Cayman Islands. As a result, the Committee have filed a Report with Government and a provision of $50,000 has been made in the 1984 Draft Estimates to effect the recommendations of this Committee.

A major fishing tournament known as "Million Dollar Month" is planned for June, 1984 and will attract a substantial number of visitors to our shores thus providing a great deal of activity for 26 charter boat operators.

123 staff are employed with Caymanians representing 50% and expenditure of $1,4 million in the economy. On the job training is being conducted for 7 Caymanians who are qualifying as Dive Instructors.

e) Transport and Communication Sector

(1) Cayman Airways Ltd

The Airline continued operation its existing routes to Houston, Kingston and Miami and the Cayman Brac/Miami flight twice a week utilising the Hawker Siddley 748.

The Cayman Airways Board is concerned to learn that the domestic route has been losing substantial sums of money for the last two years and efforts are being made to curtail these expenditures. However, it appears that the future use of the 748 aircraft may not be economical and the matter is being studied.

There are, at present, proposals to sell the 748 and retain the 2 Boeing 727's and the Trislander. The large aircraft are scheduled to commence flights between Grand Cayman, Cayman Brac and Miami in December, 1983.

Total employment is 159 persons and the contribution to the economy is $7.5 million.

(ii) Cable & Wireless (W.I.) Ltd

In May, 1984, Cable & Wireless officially inaugurated international direct dialing between the Cayman Islands, the United States, United Kingdom, Canada, the Caribbean and other European countries which have proved a great enhancement to conducting business in the Islands.

Training of staff continues to receive much attention as 17 staff members are receiving overseas training while 35 are receiving local instructions and on the job training.

The Company employs a staff of 149 and contributes $4.3 million to the economy.

f) Electricity Water and Gas (or Petrol)

The efficient production of electricity in these Islands has played a most instrumental role in our economic development. Recently, Government has assisted Caribbean Utilities Company, Ltd to secure longer term financing which should help in stabilizing the cost of electricity to the consumer. The Company's diligence and track record of keeping pace with the demand for electricity is commendable.

Cayman Water Company has made a most important contribution to the development of tourism in this country and facilities along Seven Mile Beach in particular. Production of water is 350,000 gallons per day and the quality is above the World Health Organization standards.

The decision made in the late 1960's to construct fuel terminals at South Sound, in order to make bulk purchasing possible, appears now to have been a very good one as it helped to stabilize the price and to provide, on a daily basis, fuel

needed for various businesses within the Islands.

A survey of the Companies who performed the services listed above reveals that 108 staff are employed with a $11.3 million contribution to the economy.

c) Local Services

Mr. President, we have seen a significant increase in the services offered by Supermarkets, Hardware stores, Furniture, Stores, duty free shops, Banking and Real Estate business in the last three years. Collectively, they are estimated to employ 475 staff and contribute $17.4 million to our economy.

Owing to the United States recession the real estate market here has not experienced as much activity but larger tracts of land have been sold. It appears that the market has bottomed out.

Business catering, particularly to the tourist, should perhaps reevaluate their opening hours. It may be in their best interests to open an hour later and close two hours' later which will allow shopping after normal business hours.

b) Government Sector

(A) Internal & External Affairs

(1) Cayman Brac and Little Cayman

In general, the year has been a satisfactory one with the highlight of 1993 for Government projects in Cayman Brac and Little Cayman being the official opening on the 1st March, 1993 by His Excellency the Governor of the new Government Building to house District Administration, the total cost of which was $900,000.

Final work to extend the Gerrard Smith Airport runway to 5,000 ft is scheduled to be completed by December and permanent runway and navigational lighting has been installed with some shoulder work also completed. The European Development Fund has approved monies for the new terminal and construction work will

start early in 1994.

The new Public Works Compound in Cayman Brac is now fully operational with Stores and workshop facilities and work on the 3 miles of road on the Bluff and the upgrading of Dennis Point road and Stake Bay front road has been finished.

A standby generator was installed at the Aston Putty Centre, air conditioning work was finalised at Faith Hospital and work on the Canteen for the Brac High School and the lower floor block at Creek Primary School is steadily progressing.

Road work in Little Cayman continued and, in addition, a dock project at Salt Rocks is being embarked upon with work on Phase One now in Progress.

Development in the Private Sector is looking brighter with a new hotel under construction and another being expanded.

(ii) Police

The Police Department, in February 1993, was bestowed by Her Majesty the Queen the designation of the Royal Cayman Islands Police and it was a glorious day for Police personnel.

Unfortunately, within a few weeks, the Police were put to the test to cope with serious rumours against Police Officer and the Establishment in general. This has set the atmosphere of uncertainty around some Police Officers. We have experienced an investigation into previously resolved crimes which, so far, it is Agreed nothing further can be done, have seen the recommendations of the Bromley Report and presently, we understand the last investigation dealing with allegations against Police Officers, and others, should be finalised within a few weeks. So far, Mr. President, it appears the Police have weathered the storm, as no evidence has been presented to justify the serious rumours earlier referred to. Rumours are commonplace in a small society, Mr. President, but the spreading of rumours which seriously damage the character of some individuals, without verification and evidence, appears grossly unjust.

(iii) Prison

1983 saw the localisation of the Department with the Director, Mr. T. Cathcart and two of his United Kingdom Principal Officers returning to Great Britain in April.

The Phase II Cell Block and multi-purpose building was officially opened by His Excellency the Governor on the 16th March and 5th July, 1983, respectively.

The Prison population have been kept busy caring for the vegetable farm and a Pig Farm is now being developed.

Although some prisoners were transferred to Jamaica in August, the Prison population remains at around 65 inmates.

(b) Finance & Development

(i) Registry of Shipping

Ship registration in the Cayman Islands has not made the progress that had been hoped envisaged by this Government because the various Safety of Life at Sea International Conventions have not been extended to the Cayman Islands and, as the various negotiations are matters for the United Kingdom Government, it is very little Cayman can do to speed up this process. It should, however, be realized that, if these conventions are extended to these Islands, and, if the Government still intends to proceed with developing a full Port of Registry, that there can be negative repercussions in the form of drug trafficking, oil spills and dumping matters which can all have lasting effects on our three small Islands. However, at present, under the British Shipping Act, the Registrar cannot refuse to register a ship.

In an attempt to resolve some of the problems relating to the Shipping Register, Mr. I. F. Drunk of the Department of Transport, London, visited the Cayman Islands and held various discussions with Government officials and Members of the Legislature and it is hoped that a report will be forthcoming very soon on the views of the United Kingdom Government on the Cayman Islands Shipping Register.

Nevertheless, in 1982, the Cayman Islands continued to

attract for registration, the small pleasure crafts and, for the period 1st January, 1983 to 30th September, 1983, some 93 vessels were registered in the Cayman Islands, bringing the total on the Register to just over 400 vessels. So far this year, revenue derived from Ship Registration is CI$112,000 as compared with CI$194,000 for all of 1982.

(ii) Revenue & Expenditure

Taken in the context of global economic recession, the year 1983 is viewed as a reasonably successful fiscal year.

The current financial year began with a balanced budget of $52.3 million comprised of $47.6 million in recurrent spending, $1.1 million in locally financed capital spending, $3.5 million in loan financing of capital projects and purchase of the Turtle Farm for $1.25 million. With more than ten months of the year now behind us and upon examining the revised financial position for 1983, it is anticipated that the year will end with a deficit of approximately $153,444. The deficit of $883,125 at the end of 1982, as reflected in the annual audited accounts, has been reduced considerably during 1983 by the adoption of prudent fiscal measures aimed at effectively responding to budgetary constraints. The revised figures for 1983 may be summarized as follows:

			$
Balance at the beginning of the year			(883,125)
Revenue:	Local	= $ 49,897,816	
	Loans	= $ 1,650,000	
Less expenditure:	Recurrent	= $ 39,355,604	
	Capital	= $ 11,267,730	
Estimated balance at 31st December, 1983			(153,643)

(iii) Public Debt

The total public debt at the beginning of this year was $8.5 million. Net advances during the year amounted to $400,000 leaving a debt balance of $9.1 million at the end of 1983. The new Owen Roberts International Airport Terminal Building is being

partly financed by a loan of US$5 million provided by the Caribbean Development Bank. This loan Agreement was signed in April, 1983 and $1.1 million will be drawn this year. Also approved this year was the second European Economic Community loan of $61,200 European Currency Units (E.C.U. = approximately CI$0.611) towards the construction of a new terminal building at Gerrard Smith Airport, Cayman Brac.

Debt servicing charges this year amounted to $1.29 million, 2.7% of revenue and is estimated at $1.34 million, 2.6% of revenue for 1984.

(iv) Customs

Government has granted permission for the Port Authority to construct, initially, a one storey building to house the Customs Department as the old building is uneconomic to repair. This is a temporary facility to bridge the gap while the construction of the new Customs/Port Authority Building is being finalised.

During the year, considerable amendments were made to the Customs Law (Revised) which removed anomalies and generally brought the Law more in line with present day needs.

As indicated in the last Budget Address, training of staff is a necessary requirement to ensure continuity and a strong Department in the future.

Two Senior Officers attended a short Customs Managerial course in the United Kingdom in late 1982 and two junior Officers attended the Customs & Excise course in Trinidad.

Arrangements have been made for a United Kingdom Customs Training Officer to conduct a local extensive training programme for all Customs personnel early in the coming year.

(v) Computer Service

During 1983, several computer systems were implemented. Immigration now has an on-line arrival/departure system which permits enquiries, extensions, etc. to be handled at the counter. Terminals are also located at the Airport for use on evenings and weekends. Tourism now receive their monthly statistical reports

as a result of the immigration data entry and the statistical software installed in late 1987. This has eliminated the need for processing of this data overseas.

The initial data entry of active companies for the Companies Registration system is completed. It is expected the fully system will become operational early December so that statements will be prepared and sent to agents regarding fees due in January, 1989. As part of the initial implementation stage, agents have been notified of companies with fees outstanding and additional revenue has been forthcoming as a result.

Most aspects of the Trade Statistics system has been implemented. Data is now being processed for 1987 by the Statistics Unit. The initial project for the Budgetary Control system has been implemented with further enhancements planned as other financial systems are completed.

Classes have been held on a continuing basis for the statistical/data and word processing software packages. Word processing capabilities have been or are planned to be implemented in Legal, Personnel, Education, Medical Services, Public Works Department, Finance, Insurance, Banking and Treasury. In addition, certain application systems such as Companies Registration and Budgetary Control interface directly with the word processor. The 1988 Estimates are an example of this feature.

The resources of the current computer system are estimated to be fully utilized during 1989. This will require future expansion in order to meet the growing needs of Government Departments. Ideas are being taken now to determine the best approach to this situation.

(c) Legal

The volume of work handled by the Attorney General and his Chambers has continued to increase during 1988. To date this year, some twenty-six laws which were drafted in the Attorney General's Chambers were passed by the Legislative Assembly, among the more significant of these laws were the Misuse of Drugs

(Amendment) Law, 1983, the Water Authority Law, 1983, and the Endangered Species (Protection and Propagation) (Amendment) Law, 1983. There has also been an increase in the number of applications made to Court under the Confidential Relationships (Preservation) Law and the Attorney General is represented at all such hearings.

The Cayman Islands Law School has entered into its second year and a second intake of students commenced their studies in October. It is pleasing to note that all of the original seven students successfully passed their first-year examinations.

(d) Agriculture, Lands and Natural Resources

(i) Lands and Survey

In the Land Registry there has been, during 1983, some slight reduction in the number of transactions presented for registration when compared with the 1982 figures. For the 9 months period January to September, there were 1,184 transactions in 1983 against 5,047 for the same period in 1982. Nearly half these transactions consist either of transfers of land and long leases, or, of charges against property to secure loans. In spite of a fall of some 10% in the number of these transactions, there has been no evidence of any fall off in terms of money. The value of transfers has actually increased over the 1982 figure for the 9 months in question, being CI$40.1 million against CI$39.1 million. The borrowing showed only a slight reduction, CI$31.5 million for 1983 and CI$37.1 million for 1982, the amount of Stamp Duty taken has remained virtually unchanged, CI$4.3 million for 1983 against CI$4.5 million for the same period in 1982.

Condominium development registration has distinctly reduced and the Strata Titles Registration Law has been amended by legislation to include office blocks, shops and warehouses as well as private apartments, yet in spite of this, there have only been 4 new Strata Plans registered in 1983.

Although Registry fees have not increased for many years,

and, in spite of a reduced number of transactions, Registry fees collected in the 9 months of 1984 have increased over 1983, being $1599,037 against $1552,875 due, mainly, to more preparation work of a specialised nature for customers relating to easements, rectifications and conversions to absolute title and also because of new registers opened due to an increase in the amount of survey subdivisions which created more new parcels and figures for the 9 month period in 1983 were 426 as against 775 in 1982.

The surveying establishment has been enlarged and a new post created, that of Chief Surveyor, which is now separate from the Registrar of Lands, the additional expenditure being more than justified by a considerable increase in revenue. As a result of greater efficiency for the period January to September, 1983, survey fees collected a total of $1974,755 against $1527,017 for the same period in 1982.

The Drawing Office and Printing Shop has run smoothly with no changes in staff, however, in February, one staff member returned from 9 months' overseas training in the United Kingdom and he is making his contribution to the Department. Apart from the very essential work of maintaining the Registry Maps and recording all changes in legal boundaries and parcel numbers, the Drawing Office has devoted some considerable time to the work of preparing Draft Gazette notices and boundary plans in connection with public roads.

(iii) Mosquito Research and Control Unit

1984 has been another year of relatively low average seawater levels, with renewed flooding and drainage of the swamps resulting in multiple mosquito broods.

From January to September the Unit carried out 182 aircrafts and 157 fogging flights in order to meet the ever increasing standard of comfort expected by the public.

The high frequency of spraying operations reached in 1982 has, therefore, been maintained and the insecticide pressure on the remaining mosquito population is now at a level where the appearance of insecticide resistance is becoming a serious risk.

Research to decrease this risk has continued in collaboration with insecticide manufacturers. This year, a new formulation of the safe biological insecticide "B.T.I." is under investigation with promising results.

The Natural Resources Laboratory continued its development with oil pollution monitoring and control. Clean-up was undertaken for a small slick in South Sound, while monitoring continues to indicate high levels of pollution by crude oil tars on windward coasts.

(e) Health, Education and Social Service

(i) Health

The medical and physical facilities at George Town Hospital have been further upgraded by providing space for ultra-sound equipment. It will provide an alternative to X-ray examination that is safer and often more informative. Construction of the new laundry is well underway and work is due to begin on a new kitchen and meeting room complex and renovations of the District Clinics. The use by local residents and tourists of the dialysis machine for kidney failure patients has increased in the first six months of 1983 generating significant revenue.

In Cayman Brac, a new Operating Theatre at Faith Hospital has been constructed and put in operation. Expansion of laboratory and X-ray facilities will commence later this year with completion in early 1984.

The new fee structure introduced in April has resulted in increased revenue but Government subsidy for the Health Services, nevertheless, remains significant at 92%. The prompt payment of bills continues to be problematic. If the outstanding fees were collected in 1984 the subsidy, by Government, to the Health Service would reduce to 40.5%.

Medical consultants frequently visit from Jamaica, Barbados and the U.S.A. at little or no cost to the Government. The local drawback to their expertise is the lack of sophisticated equipment for examination purposes. This is the main reason why

patients have to be referred overseas and the cost of these referrals are becoming increasingly expensive.

In the public health area the immunisation programme is extremely successful and boasts a rate of immunisation for babies of more than 90%, one of the highest in the world. More visits to geriatric patients are carried out where necessary. Maternal & Child Health Services, Family Planning Services, Doctors' visits to District Clinics and provision of primary care in districts continues. All food establishments have been Inspected before being recommended for licences under the Liquor Licensing Law.

Refuse collection and disposal experienced much activity during the year. Several hundred derelict vehicles were collected and buried, community clean-up efforts were mounted and roadside litter collected on a regular basis. Rodent control efforts continued with much reported success. There was strengthening of drinking water quality monitoring.

For the year ahead, the Health Services should be conscious of the need to consider benefits and costs for different patterns of care. This may require the setting of priorities on a cost-benefit analysis basis.

(12) Education

During the year, the Education Department received a total of $6,514,471 from the National Budget or 12.5%, a 5.5% increase over the 1992 provision.

Recurrent expenditure increased by 6.94% over the 1992 figure. Teachers' salaries claim a major portion of the budget increasing 5.5%. The only area which showed a significant increase was operating and maintenance services (which includes transportation of students) which rose by 67.15%.

During the 1992/93 school year, the Territories Public School system catered to a total enrolment of 2,894 students, an increase of 5.4% over the 1991 figures. Of these, 1,126 were enrolled in 9 Primary Schools, 767 in the Middle School and 995 in the Secondary System and 90 in the Night House School.

Capital works done in Schools included a Reception classroom, Principal's Office, Staff Room and Sick Bay at the Savannah School. A new Reception block was built at George Town Primary School as well as a new Junior Classroom, a Staff Room and Sick Bay. These additions to George Town Primary School enabled two classrooms to be converted into a library. At the Middle School the new Administrative building was completed and a new Technical Block was built. Cayman Islands High School obtained a Classroom and a Nursery plot to be used in Horticultural studies. Cayman Brac High School's new canteen was started and should be completed by the end of the year. Creek Primary School gained a lunch area, Principal's Office and Staff Room.

(iii) National Council of Social Services

"The Pines" Retirement Home, the most important project ever undertaken by the National Council of Social Services, was officially opened by Her Majesty the Queen in February. Government made available a loan of CI$300,000 to the Council which allowed the building to be completed at a cost of $747,943.

(iv) Social Services

Poor relief doles were standardized in that no person was given less than $50 per month. In addition to increasing the doles, investigations were carried out to determine ownership of property and of what value to the recipient were these properties. The information was forwarded to the Executive Council. Poor relief monthly payments increased by 4n%.

Free medical grants were increased and the same consideration carried out in relation to ownership of property. Free medical cards decreased 29%.

The Probation side experienced a decline in juveniles appearing before the Court, the total being 90, 10% less than last year. These were charged with varying and multiple complaints. Minor bicycle offences leading the list with burglary and theft following as well as offences against the

Drugs Law. These juveniles were given various treatment including two overseas foster care placements and four Approved School Orders. These brought the total number of children to 73 -- 13 in Approved Schools and 13 in foster care to-date at a cost of JA$2,504 per annum per child.

With the Frances Hodden Girls' Home now in operation, the cost of sending a juvenile overseas should decrease considerably during the next year.

Frances Hodden Girls' Home

The Frances Hodden Girls' Home will be put in operation in November. The Housepparents assumed their duties in later October. The home provides facilities for a minimum of 16 girls and is so built that 3 girls may be placed in one room. The budget for the year 1984 is $40,000.

Community involvement from Church and Youth Group Service Clubs and various service organizations is anticipated as the Home must draw on resources from outside and will operate in a similar manner to any other home with parents.

In my view, to address the needs of youth, we need to establish programmes in each district with respective committees who will assist in the instruction and supervision in conjunction with the Social Services Department. Physical facilities in each district are available and should be utilized to the fullest extent to provide entertainment such as games and career counselling for the youth.

Bonaventure House

Bonaventure House continues its successful operation and has, over the years, conducted its financial affairs within the approved budget. The credit must be laid at the feet of the Housepparents, whom Government regrets, will be leaving us at the end of their contracts in the Summer of 1984.

In-service training for all members of the Department is planned for 1984. A Community Service Programme, in keeping with the Drug Offender Amendment Act has been initiated. This gives

the Court right to sentence drug offenders to community service where the offender is compelled to give at least 40 hours or more in unpaid labour to the community under the supervision of the Probation and Welfare Officers.

The basic role is for the Probation Officer to make recommendations to the Court as to the suitability of the offender for a community service order. This will involve a social enquiry report for the Court's consideration, to supervise the individual, finding suitable placement for him and ensuring that he attends regularly and works satisfactorily. The successful establishment of the community service order scheme depends very much upon a high level of cooperation and mutual confidence between the Probation Service, the Courts and the voluntary agencies or Government departments that provide the task and on-the-spot supervision. This type of service is geared to rehabilitate the person and, at the same time, prevent further delinquency.

Library

Developments in 1993

1993 has been a year of considerable improvement in the Cayman Islands Public Library. Much needed renovations have provided a better environment for patrons and staff; the public have been offered a wider selection of books and periodicals than ever before. Cayman Brac benefited from a shipment of more than 7,000 volumes culled from the George Town collection.

By the end of the year, with the assistance of a micro computer-printer, all books purchased under the 1993 project will be available to the public.

(E) Tourism, Aviation and Trade

(1) Civil Aviation

The Civil Aviation Department was relocated from its old Headquarters to the block of new Offices at the Owen Roberts

International Airport recently constructed by the Public Works Department at a total cost of $1.175 million. The entire Complex consists of 4 units, the largest unit being the Administrative Block for the Civil Aviation department. The second largest block, a five storey unit consists of storerooms, communication workshops, the Senior Controller's office, communication equipment room and finally the Air Traffic Tower Cab, one of the largest and best equipped in the region. The third block is the Briefing Room and is used exclusively for the dissemination of pertinent weather and other aeronautical information to pilots operating in this area. Installed in the Briefing Room is a weather satellite Receiver used to gain photographs and facsimile information on almost all of the earth's surface; it cost $70,000 to purchase, install and train personnel in its use and maintenance and provides flight crews with critical information for a safe and economical flight to destination. The fourth block is a utility unit which houses runway lighting switch gear, water pumps and a standby generator which supplies immediate power to essential points including the runway lights and the Control Tower equipment.

It is estimated that work to be carried out here in Grand Cayman will cost approximately $60,000, whilst in Cayman Brac, the remaining fillings of lands to be carried out will cost in excess of $100,000. Work is well in hand to complete a 1,000 ft. extension to the Cayman Brac Airport at a cost of $140,000. The completion of a Cargo Apron at Owen Roberts International Airport is scheduled for completion later this year at a total cost of $112,000. It will provide, not only an area convenient for cargo aircraft adjacent to the Freight Shed, but also badly needed space for additional long-term aircraft parking.

Aren and Godfrey were awarded the construction contract for the Owen Roberts International Airport project and, in August, commenced work which, when completed in early 1985, will consist of a two storey terminal building, 5 stand aircraft parking apron, car parks and access roads.

A comparison of the figures of recurrent revenue and

expenditure between the years 1992 and 1993 reveals the following:

(a) Expenditure is up from $740,000 to $900,000 which is accounted for by the fact that Security Guards were employed for nine months, (9) this year than last year ($120,000) and the Civil Aviation Department became financially responsible for the Gerrard Smith Airport in January of this year (maintenance $25,000, salaries $75,000). The cost of U.K. Civil Aviation Authority Services for air-worthiness matters were reduced from $42,000 to $20,000 resulting in a $22,000 saving this year.

(b) Revenue is up from $692,504 to $800,474 which is accounted for mainly by the addition of a second daily flight by Penwille Airlines, $77,544 and larger equipment being used by Cayman Airways, $145,128. Declines in revenue collection resulted from areas such as fuel throughput charges, airworthiness inspections for Cayman Airways who now operate American registered aircraft and from the absence of charters by Pacific Western since 1992.

(i)-(iv) Training

(i) Hotel Training School

In January 1993, eight pupils from Cayman Brac High School enrolled for the One Day per week School Link Course in Basic Front Office Procedures for a period of eleven weeks; four pupils from Cayman Islands High School enrolled for the Basic Cookery Course and seventeen students enrolled for evening classes, 7 in Front Office Procedures and 10 in Communication Management.

In July 1993, twelve students completed a one year full-time Professional Cookery Course at the Hotel School and obtained their diplomas, and, finally, six students are following a two year full-time course for the Associate Degree in Hotel Management.

(ii) Marine Training School

Engineering Section -- In January seventeen students

enrolled in a one year full-time course in Basic Electrical Wiring Installation which commenced, for the first time, at the Marine School.

The Engineering Course has, since September, released their students two days per week to industry to gain practical experience on the job.

In April, Dewey Martin Stanks was selected from the Engineering Course to attend an eighteen week course in Marine Engineering at the Canadian Coast Guard College in Nova Scotia, Canada and obtained certificates in Marine Engineering, First Aid and Pollution Control.

In July, seven students obtained their Engineering Diplomas.

(iv) Building and Trade School

During the year, students have assisted in the construction of equipment for the Marine & Recal School and other Government projects.

Five students are now in their second year of the two year full-time carpentry course and in January, twelve students from C.I. Hirn School and Cayman Brac High School attended the eleven week, one day per week Link Course in the same trade with fifteen more student enrolling in September.

Four students obtained their Diplomas in Carpentry at the July Diploma presentation.

Part-time ten week evening courses were offered in Roofing and Steel Square Plumbing and Pipe Fitting, Electrical Installation, Blue Print-Reading and Calculation and Refrigeration.

(v) Fire Service

During 1993, the Fire Brigade continued to attend and deal with calls for assistance in situations where fire or other calamities threatened the lives or property of the Islands' residents.

The men performed their tasks in an efficient and professional manner, responding immediately to calls for

assistance in dealing with structural fires, aircraft incidents, serious road accidents, car fires, brush fires and other humanitarian services.

It is not possible to accurately assess, in monetary terms, the contribution that a Fire Brigade makes to a society. However, so far this year, it can be clearly stated that, had it not been for the immediate and prompt action by Rescue Team from the Fire Brigade, more lives would have been lost on our roads. Likewise, had it not been for their intervention and prompt action, many buildings would have been ravaged by fire. The Service attended to one hundred and fifty calls during the period January through September, 1983, many of which would have developed into calamities had the Service not intervened when it did.

This achievement has not come easily. Government has put considerable sums of money into the development of the Fire Service. For example, the replacement of Airport Fire Fighting and Rescue Equipment at Owen Roberts International Airport completed this year was carried out at a capital cost of $572,485.

The equipment provided meets all the requirements laid down by the International Civil Aviation Authority and is considered some of the most modern of its kind in the World today, a fact that has received high acclamation by visiting Inspectors from North America who have expressed grave concern at the lack of emphasis for passenger safety so flagrantly displayed in some of our neighbouring countries.

A Sub Fire Station for the districts of North Side, West End and Spotts Town is under construction at Frank Sound, when completed, hopefully in early 1984, it will provide a much improved Fire and Rescue Service for the residents of these outlying districts.

This Station, which will cost approximately $135,000 is part of a phased development of the Fire Brigade which started in 1979.

A service was also established at Edward Bodden's Airport in

Little Cayman this year to meet the needs of the increased air traffic there. This Service is not yet up to the required standard but it will be within the near future.

Recently, the Service has been plagued by hoax calls, a very dangerous practice which could well result in loss of life, when a genuine call may, one day, go unattended for the sake of a hoax call. Contrary to popular belief, it is not very easy to distinguish which calls are genuine from those which are false. The use of costly and sophisticated equipment helps in identifying the source of the call and possibly the caller, but, while all this is taking place, a response must also be initiated.

This situation is an occupational hazard to Fire Brigades everywhere and, as Cayman enters the main stream of world events, this situation, along with others, will have to be addressed.

Staff training in the Fire Brigade has always been a high priority. In 1983, the Deputy Chief Fire Officer and the Senior Station Officer attended a series of courses in the United Kingdom sponsored by the United Nations Development Fund. Training within the Cayman Islands Fire Brigade has been very comprehensive and, so far, all supervisory staff have attended overseas courses in either the United States, the United Kingdom or some of the more developed Caribbean countries.

This exposure has had a very positive effect, in that it has enable the Service to adopt the methods most suitable to the Cayman Islands. It has also enabled the men to work in environments much more developed and sophisticated than our own, helping them to deal effectively with our rapid development.

The Fire Brigade is fully staffed by Caymanian Nationals and has been for the past eight years, a fact that, perhaps, has contributed to the achievements of the Service over the past years.

From the onset, emphasis was placed on career guidance, professionalism, strict discipline and positive leadership. These goals have been reached and, hopefully, will be maintained in the years ahead.

(g) Communications and Works

(i) Postal Service

Consultants from the British Postal Consultancy Service submitted a Report to Government and recommended that it was more practical to build a new Post Office down to try and enlarge the present one. Accordingly, Government further engaged the same organisation to prepare an Architects Brief at a cost of 4,600 pounds. This has now been received and is currently with the Architectural Section at the Public Works Department for drafting of the working plans. It is proposed to site the building in the old Public Works Department compound behind the Library.

Air conditioning was installed in the General Post Office at a cost of approximately $40,000 and stamp sales for the first half of 1994 showed a 14% increase compared to the same period in 1993.

(ii) Water and Sewerage

Water

The Water Authority Law came into effect on 14th March, 1963, changing the title from the Water and Sewerage Project to The Water Authority. The Authority has been formed and members appointed in accordance with the Law.

Delivery of water to truckers from the Lower Valley Reservoir Scheme commenced in October and water will be sold to truckers at a cost of $5.50 per thousand gallons. The total cost of the Scheme was $150,320 which provided a 200,000 gallon capacity Reservoir, 31 Wells, 10,000 ft. each of trenching, conduit pipe and electrical wiring, treatment facilities, water meters, house and other affiliated machinery. 100,000 gallons per day can be abstracted without damage to the bore. $8,000 was contributed by the Canadian Government via its Mission Administered Fund in Jamaica.

A German Engineer has been provided by the United Nations,

at no cost to Government and, in addition, a fully equipped laboratory, a drilling rig and one 4-wheel drive vehicle have all been supplied free of charge. A full-time Laboratory Technician has also been employed.

Sewerage

Designs have been prepared for a Sewerage collection system for the George Town - West Bay Road area at an estimated cost of $2.1 million.

Designs have also been prepared for a Sewerage Treatment works for the same area at an estimated cost of $2.5 million, with both projects being planned over the next two years.

A comprehensive water study for testing of water in George Town has been completed and a partial study was conducted in Cayman Brac. The results are presently under consideration.

FOR CAYMAN YEAR 1984

Mr. President, to look back to the beginning of our development twenty-three years ago (1960) the budget was $47,527 pounds.

In 1984 the budget is CI$59.2 million, an increase of $7.6 million over 1983.

The estimated ordinary revenue for 1984 is $54.0 million, an increase of $5.7 million or 10.6% over the 1983 approved budget which includes a $1.5 million contribution from the General Reserves to assist the funding of the Owen Roberts International Airport project. New revenue measures should produce $1.3 million and loan funds $4.6 million. Early forecasts of ordinary revenue for 1984 in relation to the level of expenditure indicated a shortfall. It was at this stage that the position was closely examined and cuts in all areas of expenditure (particularly Capital Expenditure) were made as well as the introduction of new revenue measures.

The estimated Recurrent Expenditure is $41.6 million, an increase of $4.0 million or 10.6% over the 1983 approved expenditure which includes $1.5 million provision for a Civil

Service Salary Review. Per Services proposals total $1,159,455 bringing the total to $42.9 million.

Capital Expenditure is estimated at $16.1 million comprised of local financing of $11.7 million and loan funds of $4.6 million. This programme of works covers all major services and development projects, primarily those that are ongoing and affords greater priority on others during the coming year such as the Water and Sewerage project. It will include:

a) the Owen Roberts International Airport terminal building and facilities;

b) the Water and Sewerage projects

c) the Gerrard Smith Airport terminal

d) the Sports and Cultural Centre and Parks

New Revenues

Most Budget presentations carry one item which is usually of much interest to the public especially to those who have financial responsibilities: I refer to taxation. Here in Cayman, new tax measures do not often create much excitement because they largely affect the offshore operations and non residents.

The incidence of indirect taxation affecting the general public of these Islands, although viewed as an inequitable system in that its measures apply usually to the poor and wealthy, serves the Cayman Islands well as the absence of the more equitable form, that is direct taxation such as income tax, is what created a tax haven here and is, consequently, responsible for the attraction and growth of the offshore financial industry.

I will now briefly outline these new measures which, if acceptable to this Honourable Legislative Assembly, will become effective as early as conveniently available.

Banks and Trust Companies

Banks and Trust companies licence fees were first introduced in 1979, four years after the law came into effect. At that

time, the fee for a general "A" licence was $500. There were further increases in 1974, 1975, 1977 and 1980 when the fees reached $20,000 for an "A" licence and "B" unrestricted, $7,000. The proposal this year is to further increase these fees in 1984 to $27,500 for an "A" licence and $8,500 for an unrestricted "B" licence.

Postal Rates

It is proposed to increase rates as follows:

Local from 3 cents to 5 cents

U.S.A. etc. 20 cents to 25 cents

U.K. and Europe 30 cents and 35 cents

These are small increases that should not create any burden.

Legal Annual and Admission Fees

The annual fee paid by Attorneys-at-Law, under the Third Schedule of the Law, has been at $50 since 1972 and it is now proposed to raise it to $300. General and Limited Admission to practice has been at 50 pounds and 5 pounds respectively for many years and, taking into effect the inflationary erosion of this revenue, it would seem reasonable to increase them to $300 for each.

General Consumption Licence

It is proposed to increase fees as follows:

1.	Annual		
	a) Skilled Tradesmen	to	$ 500
	b) Secretarial	to	$ 500
	c) Administrative Workers	to	$ 750
	d) Assistant Managers	to	$1,500
	e) Partners, Bank Managers, Trust Managers, Company Directors	to	$2,000
2.	Temporary Licence		
	a) Skilled And Technical Workers	$	50
	b) Secretarial and Professional	$	100

(3) Extension of above (for each seven days) 6 10

Trade and Business Licences

The following licence under Schedule 6 -- Professionals. It is proposed to increase Accountants, Agents, Architects, Engineers and Surveyors, Auctioneers, Brokers and Real Estate Agents. The present annual fees are $200 and it is proposed to increase those fees to $300 times the number of professionals in the respective categories.

Salaries Review

The last Salaries Review, which was conducted by Mr. C. J. Hall in 1980, was accepted by the Civil Service and Government and in Chapter 17 dealing with future salaries reviews he states,

"I recommend that the next Salaries Review should be in four years' time"

Government has carried out a Salaries Review and it is proposed to have this effect on the 1st January, 1984.

Mr. President, excluding the weekly paid workers, the annual salaries payroll will be $28 million per year. Obviously, Mr. President, it is now high time for Government to give consideration to the reduction of staff wherever possible and to ensure that the daily performance of each Civil Servant is equal to the daily pay he or she receives.

Mr. President, based on the arithmetic mean of all the leave rates, 101 Civil Servants are on leave on every working day of the year. This is one of the reasons for the large size of the Service, because, in order to release the Officer for leave, in most cases, there must be someone else to carry out the duties.

During the last 10 years, the Service has risen from 556 employees to 1,226, a growth of 115.9% and an annual compounding rate of just over 8.3%.

Mr. President, in my view, we need to look in all Departments of Government to observe how functions are being carried out, now useful is the function that is being carried out

want any country to send us food. We do not want any handouts. We only want to stand on our own feet and provide a good standard of living for our people.

The Cayman Islands, Mr. President, are totally committed to prosecuting drug traffickers and anybody else whose activities are deemed to be criminal under our laws. But, we do not take kindly to the bullying tactics being used against us or to attempts to enforce United States law in such a way as to undermine the laws of our country.

As earlier indicated, Mr. President, the Cayman Islands are willing to assist any country in the prosecution of criminal acts where those acts are defined as such under Cayman Islands laws.

Mr. President, I recommend the Appropriation (1984) Bill, 1983, proposing an estimated sum of $57,444,303 to cover recurrent, capital and new services in 1984. Excluded from this sum are the statutory provisions covering pensions and loan repayments amounting to $1,765,169. The estimated expenditure is, therefore, $59,209,552.

Thank you, Mr. President.

* * * *

HON. T.C. ATKINSON: Mr. President, I move that the debate on the Budget Address be deferred until Monday the 21st of November, 1983.

MR. CHADDOCK BRANCO: Mr. President, on the basis of what the Financial Secretary said as to the nature, Members have indicated that they are asking that this debate be set for Wednesday the 23rd, seeing, Sir, that Members were only handed the Budget this morning, so they do not know what the contents of it is like and they would like to have more than one day or two days to study this, Sir.

MR. PRESIDENT: I quite understand. Do Members feel that they would like to adjourn until Wednesday or to take some other business first? To adjourn until Wednesday, is that the .....

HON. D.H. FOSTER: Mr. President, I am wondering if the Member is not confusing the Finance Committee with the debate on the Budget Speech. We have the whole week end that we can read and study the Budget Speech, and I see no reason why the debate cannot start on Monday on the Budget Speech, Sir.

MR. CHADDOCK BRANCO: Mr. President, with your permission, I am not referring to the Budget Speech, I am referring to the Budget itself, Sir; we do not know what the contents are in the Budget. We know what has been outlined in the Speech, but it has always been customary, I do not know why this time that we did not get the Budget with all other papers, usually six to seven days prior to the House meeting; but on this occasion it was only given to us this morning.

In the light of that, Sir, it is only the Budget we are talking about, we are not talking about the speech, Sir.

MR. PRESIDENT: You are talking about the Estimates.

MR. CHADDOCK BRANCO: The Estimates.

As far as I am concerned, Mr. President, we can go on with the other business that is before the House and come back to the debate on the Estimates than on Wednesday, on the Budget Speech, either one you want to.....

HON. THOMAS C. ATKINSON: Mr. President, I think the Members are making a reasonable suggestion that the debate on the Budget Address be set down for Wednesday, but they are also saying, if I understand them, that other business can be conducted on Monday.

MR. PRESIDENT: That was my understanding that other business could be conducted on Monday. To that account? And if that would suit Members, I think we could probably adjourn until Monday on the understanding that .....

HON. MICHAEL A. MANNING: I hope, Mr. President, Sir, if as a result of the rearrangements of the proposed business of the House Honourable Members will not take unkindly if we find it necessary to suspend Standing Orders, because the necessary seven days notice to Members has not been given.

HON. D.H. FOSTER: Mr. President, do I understand then, Sir, that we can set them on the Agenda for Monday, Tuesday or Wednesday the debate on the Budget Speech, Sir?

MR. PRESIDENT: No. On Wednesday I think it is to be this debate on the Budget Speech, that was my understanding.

CAPT. C.L. KIRKCONNELL: Mr. President, that is correct, Sir. We would like the debate to start on Wednesday.

MR. PRESIDENT: That is my understanding, that the request from that side of the House is that the debate on the Budget Speech start on Wednesday, and that various other business be set down for Monday and Tuesday.

Now, if there are some things that may not be ready for Monday or Tuesday, other than the debate on the Budget Speech, it may be that we would not have a very full schedule on Monday and Tuesday, but I am sure there are quite a number of Bills that could quite well be taken on Monday and Tuesday without any difficulty. And if, as was mentioned a moment ago, Members of this side of the House are ready in a number of cases at least to contemplate the suspension of Standing Orders in regard to Bills where publication or gazetting has not taken place sufficiently long in advance, because it was thought that next week would be the Budget debate in Finance Committee and that the Bills would be later, then I think probably accommodation could be reached all around.

What I therefore request, and I will invite the First Official Member in a moment to move this, that the adjournment be until Monday, and I would ask representatives of the two sides of the House in Business Committee to get together to work out what can most conveniently be set down for the business on Monday and Tuesday.

HON. MICHAEL J. BRADLEY: Perhaps, Mr. President, I am not quite sure at the moment whether or not we need to suspend any Standing Order to go on with other matters when we have already started the second reading of the Appropriation Bill and not yet finished it. We are in the middle, as I understand it, of the second reading.

MR. PRESIDENT: I think it is quite normal procedure to, at the end the mover's speech to set the Bill down for a second reading and to say that the motion will be put down for debate on a later occasion because they are revenue Bills which are taken immediately after the Budget Speech, but before the second reading debate. I do not think that will require any suspension of Standing Orders.

Well then, if I can take through-put as a form - the question is that a Bill entitled the Appropriation (1994) Bill, 1993 be read a second time. The motion will be put down for debate on Wednesday the 24th of November.

Before I invite the First Official Member to move the adjournment, I take it that it would be the wish of Members to adjourn until Monday morning now. May I just remind Members that they did agree that certain photographs could be taken of the House, but that they did not wish them to be taken while we were actually in session, their performance was I think, to remain seated for a few minutes after we had technically adjourned. The photographer is here, and I welcome him now, if Members would be kind enough to remain in their seats actually after we have adjourned for a few moments.

ADJOURNMENT

MOVED BY HON. D.E. FOSTER.

QUESTION PUT AGREED. AT 12:18 P.M. THE HOUSE ADJOURNED UNTIL MONDAY THE 21ST NOVEMBER, 1993 AT 10:00 A.M.

AUGUST SESSION AND
FOURTH MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD IN
MONDAY, 21ST NOVEMBER, 1983

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR G PETER FLOYD, CMG, CVO - PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS E FOSTER, CVO,OBE,JP	CHIEF 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 H McLEAN	MEMBER FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON TRUMAN M BODDEN	MEMBER FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON C RAIG ROSS	MEMBER FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CARSTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D KANNON KRAINS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D KANNON KRAINS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN HOUDINI, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HULDAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARRY J KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CHALMERS KNOWLES, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SECOND DAY

FOURTH SESSION AND FOURTH SESSION OF THE LEGISLATIVE ASSEMBLY

MONDAY, 28th NOV.1983

1. PRESENTATION OF PAPERS AND REPORTS:

(a) FINANCE COMMITTEE:

REPORTS OF MEETINGS HELD ON 14th SEPTEMBER,1983 and 18TH OCTOBER, 1983 - BY HONOURABLE THIRD OFFICIAL MEMBER, CHAIRMAN

(b) MINUTES OF MEETING HELD ON 27th SEPTEMBER,1983.

(c) SELECT COMMITTEE:

(i) Report on the Education Bill, 1983 BY THE CHAIRMAN
THE HONOURABLE SECOND OFFICIAL MEMBER
TO BE MOVED THAT THE REPORT AND RECOMMENDATIONS BE ADOPTED
TO MOVE THAT THE THIRD READING OF THE EDUCATION BILL, 1983 BE TAKEN NOW.

EDUCATION BILL, 1983 - THIRD READING.

(ii) Report on the ELECTIONS LAW
BY THE CHAIRMAN THE HONOURABLE SECOND OFFICIAL MEMBER
TO BE MOVED THAT THE REPORT AND RECOMMENDATIONS BE ADOPTED
TO MOVE THAT AT A LATER DATE THE REVISED ELECTIONS BILL, 1983 BE CONSIDERED BY THE HOUSE.

(d) AUDITOR'S REPORT, 1982 TOGETHER WITH AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS for the year ended 31st December, 1982.
BY HONOURABLE THIRD OFFICIAL MEMBER

2. GOVERNMENT BUSINESS:

(1) BILLS; -

(a) The Penal Code (Amendment) Bill, 1983 FIRST AND SECOND READINGS
(b) The Criminal Procedure Code (Amendment) Bill, 1983 FIRST AND SECOND READINGS
(c) The Plants (Regulation of Importation and Exportation)Bill, 1983 FIRST AND SECOND READINGS
(d) The Pensions (Amendment) Bill,1983 FIRST AND SECOND READINGS
(e) The Probate of Deeds Bill, 1983 FIRST AND SECOND READINGS

COMMITTEE STAGE

(a) The Penal Code (Amendment) Bill, 1983
(b) The Criminal Procedure Code (Amendment) Bill, 1983
(c) The Plants (Regulations of Importation and Exportation) Bill, 1983
(d) The Pensions (Amendment) Bill, 1983
(e) The Probate of Deeds Bill, 1983

(vi) GOVERNMENT MOTIONS

(a) No.6 - Select Committee on Companies Law. (Mover - F.J.)

(b) No.7 - Select Committee on Companies Management - (Mover - P.S.)

(c) No.8 - Liquor Licensing Boards Membership - (Mover - Hon. Third Member Mr. Cr.)

(d) No.9 - Caribbean Unemployment Report (Mover - P.J.)

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MONDAY 21ST NOVEMBER, 1983

10:00 A.M.

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

PRESENTATION OF PAPERS AND REPORTS

REPORTS - FINANCE COMMITTEE

HON. T.C. JEFFERSON: Mr. President, I beg to lay on the table of this Honourable House the Finance Committee Report of the 14th of September and the 18th of October, 1983.

MR. PRESIDENT: So ordered.

MEETING - 14TH SEPTEMBER, 1983

HON. T.C. JEFFERSON: The meeting of the 14th of September approved a supplementary expenditure of $214,800. It comprised the following:

$80,000.00 for Immigration to provide funds to cover the remaining months of the year and for overtime work during that period;

$14,000.00 for Immigration, Head 4 to cover the operating expense of three vehicles for the remaining months of the year;

$3,000.00 for the Legislative Assembly, Head 5, funds to cover expenses during the year for unforeseen committee meetings of the House.

$8,700.00 for Head 10, Finance and Development additional funds necessary to pay the annual contribution to the Pan American Health Organization during 1983;

Head 14, Health, Education and Social Services Administration, $10,000.00 to supplement the grants to Sporting Groups and Associations within the Islands;

Head 18, Agriculture, Lands and Natural Resources Administration, $40,800.00, Funds provided to cover the remaining months of the year for the Washington Consultants who are dealing with the Cayman Turtle Farm matter;

Head 40, Development of Capital Expenditure, Office Furniture and Equipment, $50,000.00 - Funds to replenish the vote for unescapable purchases during the year.

Head 40, Sub-Head 7A, Government Offices, $2,000.00 to provide funds for the British Postal consultancy study, and for the retainer for the British Postal Consultant to produce an architect's brief of the proposed new Post Office building;

Virements within Capital Expenditure were also approved during the meeting, Mr. President.

$778,770.00 approval was given for the virement from Head 40, Sub-Head 2A, Medical Rehabilitation, to Head 40, Sub-Head 3B, Cayman Island High School, Cayman Brac to commence the second phase of the canteen, toilet block and classroom in the back;

$60,000.00 to Head 25, Tourism, Sub-Head 7, Other Operating and Maintenance Services, funds to pay the insurance Premium to Lloyds on the United States $1,000,000.00 fishing prize for the 1983 Fishing Tournament. Included in the $60,000.00 is the provision for the printing of a visitor's brochure with emphasis on the dress code in the Cayman Islands.

MONDAY - 23RD OCTOBER, 1963

HON. THOMAS C. JEFFERSON (CONTINUING): The meeting of the 18th of October, 1963, Mr. President, dealt firstly with the allocation:

> $767,500.00 under Head 32 from Sub-head 2 to Sub-head 45. (Sub-head 2, being Purchase of Government Lands, and Head 45, representing Improvements to the Bernard Smith Airport.)

These funds were approved to upgrade the shoulders of the runway, and to afford safety standards for large aircraft to utilize the Bernard Smith Airport.

> Another Virement, Mr. President, of $750,000.00 again within Head 32, Capital Expenditure from Sub-head 28, Heavy Equipment to Sub-head 17, Reconstruction of Roads, Grand Cayman.

These funds are to cover the work necessary during the remaining months of 1963.

> Supplementary Expenditure was also approved under Head 32, Capital Expenditure, Sub-head 2 Purchase of Government Lands, $101,250.00 to purchase land for the Bonaventure Playing Field.

That is the end of my reporting Mr. President.

HIS HONOUR: In accordance with the provisions of Standing Order 67, paragraph 6, the House is deemed to have agreed to the motion.

MONDAY - 9TH SEPTEMBER, 1963

HON. THOMAS C. JEFFERSON: Mr. President, there was a further meeting of the Finance Committee held on the 27th of September 1963, which dealt with the Registry of Shipping to which Mr. Lock, a Senior Officer in the Marine Division of the United Kingdom Government assisted us to discuss certain aspects of the Shipping Registry and as mentioned in the Budget Address, we are still awaiting his report. Therefore, Mr. President, I beg to lay on the table of this House the Minutes of that meeting.

MR. PRESIDENT: So ordered.

REPORTS OF SELECT COMMITTEES

HON. MICHAEL BRADLEY: Mr. President, Sir, in accordance with Standing Order 72, Sub-order (1), I, as Chairman of the Select Committee on the Education Bill beg to present to the House, the report of the said Committee.

MR. PRESIDENT: So ordered.

HON. MICHAEL BRADLEY: Mr. President, Sir, in presenting this report to the House and to the Honourable Members, without in any way derogating from the functions of the mover of the original Bill, the Honourable Member for Health Education and Social Services, I feel that it is my responsibility to say to Members in this House a summary of the proceedings of your Select Committee.

Mr. President, Sir, the Select Committee was appointed on the 10th of September, 1963, and comprised all the Members of the Legislature. You, Sir, appointed me as Chairman of the said Committee. The Committee held four meetings between the 30th of October, 1963 and the 14th of November, 1963. And one of those meetings, Mr. Speaker, was on the 13th of November, the whole meeting throughout the day was devoted to meeting representatives of the school boards of seven private schools and the Head Teachers of those schools.

HON. MICHAEL BRADLEY (CONTINUING): We met with the Montessori Christian Academy, the Edna Adventist School, the Catholic School, the Truth for Youth School, the International College of the Cayman Islands, the Triple C School and the Cayman Preparatory School. Mr. President, Sir, at that meeting we were glad to avail ourselves as advisers, present at the meeting, of the Chief Education Officer, the Education Officer and the Secretary of the Education Council.

In addition to these oral representations we also received both subsequent to us and the Honourable Member for Health Education and Social Services a number of letters in which private citizens took the opportunity to set forth their views concerning the Bill as it originally came before the House. These also were carefully considered after circulation to all Members of the Select Committee.

Mr. President, Sir, the bill has come back in the report annexed and amended on the basis of the agreement to the changes by your Select Committee.

I will not attempt exhaustively to go through all these changes, but merely to highlight the principle changes that have occurred therein. The first, Mr. President, Sir, was in the interpretation clause that there were changes to the definition of private school so as to make it quite clear that it included any school other than a Government school and to the definition of primary school so as to make it clear that it includes a reception class for such school. In addition thereto a new definition was put in so to exactly what a reception class meant.

Clause 4 was amended, in relation to the provision of school transportation for Government Schools, of refinement as the provision of funds or other aid from private bodies. In Clause 5 also there was an amendment made which made it quite clear that compulsory medical inspection of pupils extended not only to pupils at Government schools, but to pupils at all schools.

Clause 7A of the bill was amended. The original provision as contained in the Bill stated that every school should provide at least twenty-five hours of instruction each week to each pupil of school age. The amendment agreed by your Select Committee, Mr. President, Sir, lowered that to twenty-two hours of instruction but made it quite clear by changing the term "instruction" to "secular instruction" that religious instruction was not included in such minimum number of hours.

In Clause 12 of the bill which provides for fines to be imposable upon parents whose children do not attend schools, the Select Committee reduced the maximum fine per term imposable from the level of $500.00 contained in the Bill to a new proposed level of $200.00.

In Clause 24 which relates to the transfer of pupils from non-Government school to a Government school, an extra provision was made in that section where formerly it was that a requirement be placed that a copy of the notice of transfer and the approval of the Chief Education Officer be sent to the Principal of the private school from which the pupil has been transferred.

In Clause 32 where we set out the minimum quality and standards of education, it was made by a minor amendment that these were minimum qualitative and standards and not a level at which they should be maintained, that standards could well and hopefully will exceed those minimum standards. There was also provided in relation to standards of education, a provision that when a United States of America system of education be sought in any school within these islands, that the standards in such schools shall approximate to similar good schools in that country.

HON. MICHAEL BRADLEY (CONTINUING): In Clause 45 there was an amendment to provide that there shall be a return of average grades not merely of the provisions indicated, but yearly.

In Clause 46 there were deletions of several of the requirements of records which may be kept by the School as it was thought that these were overly burdensome.

And in Clause 47 there was a minor but important amendment made which provides that the Education Council shall arrange for the award of scholarships and comparative scholarships in relation to these Islands.

In the first Schedule to the Bill which lays out the Constitution of the Education Council, the make-up and composition of the Council in Paragraph 1 has been changed so as to provide that one of the twelve members of the Council that not less than two shall be representative of private schools.

Mr. President, Sir, with that brief report as the Chairman of your Select Committee, I would formally move again under 72 (5) that the recommendations contained therein be adopted and that the amendments set out be included and comprised in the Bill.

Thank you.

MR. PRESIDENT: The motion is that the Report of the Select Committee appointed to examine the Education Bill of 1993, and the recommendations, be adopted in accordance with the provisions of Standing Order 72 (5). My understanding is that if this motion is adopted, the question may forthwith be put without debate.

I therefore propose to put the question that the report and the recommendations of the Select Committee be adopted. All those in favour please say aye. Those against, no. The ayes have it.

HON. MICHAEL BRADLEY: Mr. President, Sir, I do not know whether it be the wish of the House to proceed to the Third Reading forthwith or whether later this morning.

HON. IVOR M. EDDEN: Mr. President, I would rather move on with this now since it is on the agenda.

MR. PRESIDENT: I was going to suggest that unless any Member foresees difficulty it would probably be convenient. It is on the Agenda and it would dispose of the matter and would ensure that we would not have to resume it. So I think if you care to, move accordingly.

HON. MICHAEL BRADLEY: I have taken enough of the responsibility away from the Honourable Nominated Member.....

MR. PRESIDENT: I am sorry. It is quite true. It was out of the Select Committee and back to the Member. I apologies.

THE EDUCATION LAW, 1993

THIRD READING

HON. IVOR M. EDDEN: Mr. President, I move the Third Reading of a Bill entitled the Education Law, 1993.

MR. PRESIDENT: Now the resolutions of Members, just to clarify the position, my understanding is that the Bill to the Third Reading of which the House is being invited to agree is that which was attached to the Select Committee Report which is printed, but which has a substantial number of amendments amendments were to it, the amendments having been made in conformity with the recommendations contained in the Select Committee Report.

HON. DUNCAN M. DODDER: That is correct, Mr. President.

MR. PRESIDENT: I will not endeavour to read through all the amendments. I think Members have all had copies of the document and are familiar with it, and indeed have studied it in considerable length in Select Committee.

I will therefore put the question that a Bill intituled a Bill for an Act to Repeal and Replace the Cayman Islands Education Law, 1976, be given a Third Reading and passed.

Will those in favour please say aye. Those against, no. The ayes have it.

THE ELECTIONS LAW, 1983

HON. T.O. HENRIQUES: Mr. President,....

MR PRESIDENT: I think the next item is Item 3 (b)(i) which is the report on the Elections Law.

HON. MICHAEL BRADLEY: I shall be quite happy if my elected colleague wishes to proceed in charge of me.

Mr. President, Sir, in accordance with Standing Order 73 Sub-order (5) I beg to present to this Honourable House the report of the Select Committee on the Elections, to which I was appointed Chairman by you, Sir, from this Honourable House.

MR. PRESIDENT: I am not sure that I have a copy of the report. I have a copy of the Bill.

HON. MICHAEL BRADLEY: Well, perhaps, Mr. President, I am varying in the original way, that with the Clerk's agreement, you would make use of that one, Sir.

MR. PRESIDENT: I may probably have been mistaken, but have misled it. But I cannot find it. Thank you.

HON. MICHAEL BRADLEY: Mr. President, Sir, having presented to the House the Report of the Select Committee, I as Chairman would propose to take a similar motion as I did in respect of the Education Law, namely to make in the House a brief summary of the contents of that Report.

Mr. President, Sir, at the June sitting of this Legislative Assembly, there was a motion passed which provided for the setting up of a Select Committee comprising of all the Elected Members and the Second Official Member to consider and make recommendations as to what changes may be deemed necessary or advisable to our present Elections Law. And I, Sir, was as the Second Official Member, appointed Chairman of such committee.

Mr. President, Sir, your Select Committee held nine meetings between the 14th of July and the 16th of November, 1983, again in relation to that Elections Law, which, Sir, I must explain was not a new law presently before the House, which had been referred to a Select Committee as had the Education Law, but was a Select Committee of the House designed to see what should be contained in an amending Bill to the old Law, or in a new Elections Law. Mr. Chairman, Sir, the Committee held six meetings between July and November as stated and at one of those meetings, the third meeting, we were very grateful for the assistance of our Supervisor of Elections, who also prepared a letter of recommendation for the Committee in relation to changes which he, by his vast experience as Supervisor of Elections, considered suitable.

HON. MICHAEL HEADLEY (CONTINUING): The Committee went through the Elections Law as it is now our Statue book and considered carefully each provision in that law.

Whilst I think it is fair to say, Mr. President, Sir, that the Members of the Committee thought that the format and procedure of our Elections Law were generally acceptable there were a number of ways in which it could be improved and changed. And in fact there were approximately some eighty-one changes agreed upon by your Select Committee. That being so, it was thought better and simpler that whilst keeping the basic format of our present law that a new Elections Law be introduced on the basis of the recommendations of the Select Committee, and that new Elections Law, Mr. President, Sir, is to be hoped to be introduced by my honourable colleague, the First Official Member, at a later stage in the present session of this Legislative Assembly. However, Mr. President, Sir, I think it is fit and proper at this time that I should outline for the House the description of the changes that are being made in that law.

As I said, it was decided to produce a new law instead of extensive amendments to the old law. There were two general sets of changes recommended to be made. One, that there be generally consolidation of those necessary to do provide also in connection with the preparation of the Register and the conduct of elections. It was also felt that a general increase in the fines imposable for offences under the law were appropriate. Apart from these a number of major constitutional changes were made.

Our Elections Law, as it presently upon the Statue Book, firstly has got a very simple definition of the boundaries of each of the Constituencies, whereas in the Elections Law in the first Schedule as at present drafted that the boundary of say, the West District, went May, to the settlement of West Bay in the Island of Grand Cayman; the Bodden District, the settlements of Georg Town, South Sound, Red Day, Prospect and Spotts, in the Island of Grand Cayman. With the increase of population in the development of the Islands it was thought that there should, so that there is no uncertainty, be an exact survey description incorporated in the new law without in any way changing the boundaries as they are at present. This has been done and has been prepared by the Chief Surveyor, and will be incorporated in the Bill to be presented by my honourable colleague.

The Members of the Select Committee thought that in the past there had not been enough Polling Stations available for members of the public to vote at General Elections. There is now a specific provision whereby that in a three-member constituency there should be at least three Polling Stations; in a two-member constituency there shall be at least two Stations; and at least one in a one-member constituency.

They have provided and recommended that the date on which the final list of voters shall come into force shall be deemed to be the date of registration for the purposes of Section 25 of the Constitution Order. Once the date on which the coming into force of the final list is announced, it will then be possible in preparing the preliminary and revised list of voters for the purpose previously there was to incorporate into the list the names of persons who, whilst such names are being put on, are not yet of the age of eighteen and thus eligible to vote, but who will be when the date that the list comes into force arrives.

Another minor but useful amendment that Members recommended was that whereas during Nomination Day there is a period during the lunch hour when nominations would not be received that now the time for nominations will be from 8:00 in the morning until 1:00 in the afternoon.

HON. MICHAEL SOMARE (CONTINUING): The deposit which candidates had to pay when they were being nominated in the law, presently $500.00, your Select Committee, Mr. President, Sir, has recommended that such deposit be increased from $500.00 to $1000.00. Under the Law as at present, whilst a blind or illiterate voter could be accompanied and assisted by a friend to cast his vote, a physically incapacitated person who was not blind could only in the midst the curtains of the Returning Officer. It is recommended that this distinction be abolished so that all physically incapacitated, dull or blind or illiterate voters be accompanied by a friend who will assist them in the use of the facilities. Once the elections have been held and the ballot is closed it is proposed that the ballot boxes and papers, after the close of the ballot shall be accompanied by Police Officers and a polling agent of any candidate if so requested, from the place of the taking of the poll to the place of making of the count.

A new and perhaps radical departure from the Law as it at present stands, is recommended in relation to the situation if the result of the ballot is a tie with equal votes being cast between two candidates, only one of whom can be elected. The Law as at present stands, Mr. President, Sir, is that the casting vote is made by the Returning Officer. The new provision recommended is that in such an event that a by-election be held between the two candidates tying and that the Election Laws, with suitable amendments, such as no nomination for a new deposit be conducted to decide which one of these two should be the elected member.

And finally, in respect of major changes to the Law itself, whereas the position at the moment is that an election petition when presented against the result of an election would be accompanied by the sum of $200.00 or $400.00 as it was then which could be paid either by money or securities, then it was felt that there was sufficiently serious a step to be taken that such a petition should be accompanied by a cash deposit of $500.00.

In relation to matters peripheral to the Elections Law, but relative to the elections, your Select Committee, Mr. President, Sir, made certain specific and further recommendations that in view of the experience in past elections that extra polling clerks be needed for the next election; that ballot papers be printed immediately after nomination day; and that as soon as a request for a postal vote is received that there should be advised of such postal ballots to such requesting voter, and that in order to assist the taking of the poll, that after nomination day or even before it, a card be sent to each voter setting out on the card his name, his number on the roll, and where there may be more than one place where voters can vote in an electoral district also stating on such card the place, date and the time of voting on such day.

A final recommendation, which will entail, Mr. President, Sir, a change, not in this law, but to another law is that your Select Committee has recommended that in the future Election Day should be a public holiday.

With that, Mr. President, Sir, I beg to conclude this brief speech and move that the report of your Select Committee be adopted, and that the new Elections Bill be introduced at a later stage, Sir. Thank you.

MR. SPEAKER: The motion before the House is that the report of the Select Committee appointed to consider and make recommendations about amendments to the Elections Law and the recommendations made in that report should be adopted, and that if the report be adopted, the Elections Bill which has been circulated with or at the same time as the Select Committee's Report should be considered by the House at a later date during this meeting.

MR. SPEAKER (CONTINUING): ...ayes, in accordance with the provisions of Standing Order 78, paragraph 5, my understanding is that, provided this motion is unopposed, I may forthwith and without debate put the question. I therefore propose to put the question as read out, that the report of the Select Committee on the Mountains Law and recommendations made in it be adopted and that the Bill be considered by the whole House later during this meeting.

Will those in favour please say aye. Those against no. The ayes have it.

MOTION ADOPTED.

AUDITOR-GENERAL'S REPORT AND AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31ST DECEMBER, 1982.

MR. PRESIDENT: Item 1 of Item (C).

HON. TRUMAN C. ANNAKYOW: Mr. President, I beg to lay on the Table of this Honourable House the Accounts of the Government of the Cayman Islands for the financial year, 31st December, 1982.

MR. PRESIDENT: So ordered.

HON. TRUMAN C. JEFFERSON: Mr. President, I think the accounts will speak for themselves, therefore I propose not to try to explain the various financial difficulties that it indicates only to say that it is the first report being submitted by our new Auditor-General who took office earlier this year. Thank you.

MR. PRESIDENT: Item 2, Bills.

THE PENAL CODE (AMENDMENT) BILL, 1983

FIRST READING

CLERK: The Penal Code (Amendment) Bill, 1983.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Penal Code has to be read a first time, and is set down for second reading, and passed.

CLERK: The Penal Code (Amendment) Bill, 1983.

SECOND READING

HON. MICHAEL A. McTAGGART: Mr. President, Sir, in accordance with Standing Order 40, I beg to move that a Bill shortly entitled the Penal Code (Amendment) Law, 1983 be read a second time.

Mr. President, Sir, as Honourable Members will no doubt have become familiar with in this past year or so, I, on behalf of the Governor in Council seek to introduce short amending Bills through various topics which are within my portfolio's responsibility, which generally relate to all matters concerned with what I would call Langers Law. The Penal Code in this respect comes within my Portfolio's responsibility, and the brief explanation contained in this Bill, Mr. President, Sir, have, I feel wider ramifications and importance.

As Honourable Members have felt earlier this year it is important that the mores and traditional values and standards of these Islands be preserved and cherished. And that while we are moving in a society now where the value of morality, of decency and honesty is no longer looked upon as a requirement for society, but

HON. MICHAEL BELSHAW (CONTINUING): ...this society should in so far as possible try by every means at its command to uphold it. It is for this reason, Mr. President, Sir, that earlier this year there were two select committees appointed by this House. One in relation to decency and moral code, and the other in relation to the type of cinema shows that can properly be shown and to whom they can be shown. This, Mr. President, Sir, is of similar concern to the Ombudsman.

Mr. President, Sir, it has become a regrettable truth that there has started, no doubt now come to the knowledge of the appropriate authorities, that considerable quantities of what would be considered undesirable literature are flowing into this country. And when I say undesirable literature, Mr. President, Sir, I do not mean undesirable in the sense that it is against the political views of the Government or the people of this country. I say undesirable literature in the sense that it is pornography in the pure filth; it illustrates graphically, and with explicit detail about matters which one normally relate to the obscene and illustrates graphically criminal actions which are criminal offences in this jurisdiction.

Now being so, Mr. President, Sir, as Honourable Members may have been aware, there have, on two previous occasions this year under Section 80 (40) of the Penal Code, been printed prohibited publications orders which prohibit the entry of such sexually pornographic magazines into these Islands. However, Sir, whilst this has been done, on examination it was found that there was basically a gap in our law principally because we have never really had to consider this type of situation before. And that is, that whilst such publications are prohibited to be imported into this country, what if the Customs authorities intercept, or the Post Office intercepts such publications that whilst they cannot let them in, they cannot dispose of them other than by ordering to return them to the original consignment. I think that this is a situation which is in need of correction, and therefore the minor amendment to Section 48 of the Penal Code provides that where such publications reach here, that the Collector of Customs or the Postmaster may destroy or order the destruction of, or deal with in such manner as the Governor in Council may direct, any publication in respect of which an order is made.

Mr. President, Sir, in relation to these publications, I may say that I have had the distasteful task of examining them and making recommendations. In making such recommendations, I have tried to be as liberal as possible and would assure Honourable Members that any publications that have been banned are of a type which Honourable Members would find most distasteful to be found in any place in these Islands.

Mr. President, Sir, with those remarks I commend this Bill to the Honourable House.

MR. SPEAKER: The question is that a Bill entitled a Bill for a Law to Amend the Penal Code be given a second reading.

The Honourable Member, I think said, "Be given a second reading and passed", but I think there was a slip of the tongue, so I will take it that the question is to be given a second reading. The motion is open for debate.

MR. COLLOCOTT READY: Mr. President, undoubtedly, we have reached a stage in this little remote Island of ours that a lot of things will have to be taken in hand. These things have been relayed on many times as the Islands have grown. They are, and that is why now. I feel that many matters should be taken to control the importation of undesirable literature that only warps the thinking of our young people.

I give my whole-hearted support to this motion. Thank you, Sir.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I will put the question. The motion is that the Bill entitled a Bill for a Law to amend the Penal Code be given a second reading. Will those in favour please say aye. Those against no. The ayes have it. Bill given a second reading.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) LAW, 1993

FIRST READING

CLERK: The Criminal Procedure Code (Amendment) Law, 1993.

MR. PRESIDENT: The Bill entitled a Bill for a Law to amend the Criminal Procedure Code is deemed to have been read a first time and to set down for second reading.

SECOND READING

CLERK: The Criminal Procedure Code (Amendment) Law, 1993.

HON. MICHAEL HAMILTON: Mr. President, Sir, this is a Bill which has three objects. The first object of this Bill, is to amend Section 78 of the Criminal Procedure Code so as to provide that a sentence of imprisonment that may be imposed by a Summary Court for non-payment of a fine, be increased from a maximum of six months to a new maximum of five years.

As the law at present stands, under Section 78 of the Criminal Procedure Code, when a Summary Court, (that is the Magistrate's Court) is recording a conviction it can provide that a sentence of imprisonment be imposed by a Summary Court for non-payment of a fine, but that such sentence shall not exceed six months. This was a reasonable position in the times when generally speaking, there was a limit to the sum imposable as a fine. Times have changed. We in these Islands have specifically amended the Misuse of Drugs Act to make one so as to substantially increase fines that may be imposable, and in fact, in the Misuse of Drugs Law, (I apologize if I called it Act before) there are provisions whereby in certain circumstances there can be imposed a fine without limit as to the amount. It is thought now that where a situation arises that a person can be sentenced to say ten years imprisonment, and fined half a million dollars, as is quite conceivable in relation to a substantial drug offence, that if he refuses to pay such half a million dollars that then there can be only a period of six months which would be reducible on good behaviour to four months, two months tacked on to the end of his primary terms of imprisonment for failing to pay that fine. Accordingly it is proposed in this first amendment that such maximum of six months be increased to a new maximum of five years, thus putting some bite into section 78, and making convicted criminals think very carefully before they refuse or neglect to pay a substantial fine when they realize that their term inside in prison may be substantially lengthened.

Mr. President, Sir, the second object of this Bill is to amend section 178 of the Criminal Procedure Code so as to provide that on an appeal from the Summary Court to the Grand Court, that the Grand Court has power (a) to remit a matter to the Summary Court for retrial and (b) to dismiss an appeal if it is satisfied that no substantial miscarriage of justice has actually occurred.

Mr. President, Sir, it anomaly in that where a case goes in original jurisdiction to the Grand Court and there is an appeal to the Court of Appeal, that the Court of Appeal has not such powers to remit for retrial or to dismiss an appeal if it is satisfied that no substantial miscarriage of justice has actually occurred. However, when a case goes to the Summary Court in original jurisdiction

HON. NICHOLAS BRIGNOL (NOMINATED): ... and then on appeal to the Grand Court, there are no such similar provisions or powers and it is thought fit and proper that our Grand Court should on an appeal to it from the Summary Court have power to order a retrial where appropriate or, even make improvements, to dismiss an appeal not merely because there is a technicality of procedure or evidential technicality in the lower court, but to dismiss the appeal if despite such minor reservations, it is the opinion that there is no substantial miscarriage of justice, and I add the word substantial in emphasis, that no substantial miscarriage of justice has actually occurred.

The third object, Mr. President, of this Bill is to amend the First Schedule, Schedule I of the Criminal Procedure Code so as to provide that the offence of wounding contrary to section 104 of the Penal Code, is an offence which is triable summarily and not otherwise. At present, the situation arises that if there has been a finance and there is a cut, no matter how small upon a person, then such cut constitutes an offence of wounding and the offence of wounding is an offence which at the moment can only be tried summarily in the Magistrate's Court with the consent of both the prosecution and the accused. The situation has in the past arisen whereby malicious persons would be the situation, a woman, who has committed what in the circumstances are a relative minor offence has elected to go for trial in the Grand Court which entails a preliminary investigation in the Summary Court and then a full scale jury trial.

What this amendment seeks to do is while not diminishing the maximum penalty imposable, to transfer the jurisdiction in such wounding cases exclusively into the hands of the Magistrate's Court, and I feel quite sure that the Magistrate's Court will, as it has shown in the past, in addition to other laws, exercise the prudence and the diligence when hearing such new cases if it was for jurisdiction to hear them in all circumstances.

Mr. President, Sir, can I add that the amendments contained in this bill (and I apologise for not having it earlier) in the Bill, the amendments to the Penal Code have been introduced by me after consultation with and consent and approval of the Judicial Authorities in these Islands.

Mr. President, Sir, I beg to move the second reading.

MR. PRESIDENT: The question is that the bill entitled a bill for a law to amend the Criminal Procedure Code, be given a second reading. The motion is open for debate.

MR. TRUSTRAM HUBBARD: Mr. President, not only in this Island, but seemingly all over the world too much leniency is given to criminals. Maximum justice never seems to be carried out. In my opinion Sir, every individual that commits such crimes that are being committed world-wide, including Cayman, they are aware that they are committing a criminal offence against their country, their people, their government and themselves. And I feel Sir, that full extent and measure of the law should be meted out to any criminal. I do not have any sympathy for them. If I commit myself as a criminal, then I should not expect any less or any more than to be treated as a criminal.

So I said, Sir, much of this applies to what we I believe still cherish as a paradise Island, but it is fast losing the things we need to cherish.

We got a number of criminals in our Islands, and I believe on a population ratio we have passed a lot of other countries with their syndicate of thousands, and millions of population, and I feel that the time is ripe when full measure of the law should be carried out to help curb and restrict criminals in our country.

MR PRESIDENT: Unless any other Honourable Member wishes to speak, I will put the question. The motion is that a Bill for a law to amend the Criminal Procedure Code be given a second reading. Will those in favour say aye. Those against no. The ayes have it.

BILL GIVEN A SECOND READING

MR. SPEAKER: I think that it may be a convenient moment to suspend proceedings briefly, and I will now do so for about fifteen minutes.

HOUSE SUSPENDED

HOUSE RESUMED

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

THE PLANTS (REGULATION OF IMPORTATION AND EXPORTATION) LAW, 1996

FIRST READING

CLERK: The Plants (Regulation of Importation and Exportation) Law, 1996.

MR. PRESIDENT: The Bill entitled a Bill for a Law to repeal and re-enact with amendments the Plants Importation and Transportation Regulations Law (Revised) is deemed to have been read a first time, and is set down for a second reading.

SECOND READING

CLERK: The Plants (Regulation of Importation and Exportation) Bill, 1996.

HON. JOHN MCLEAN: Mr. President, I beg to move the second reading of a Bill for a Law to repeal and re-enact with amendments the Plants Importation and Transportation Regulations Law (Revised).

Mr. President, this Bill seeks to repeal and re-enact with amendments the Plants Importation and Transportation Regulation Law (Revised). The current law requires a person to obtain a permit in order to transport plants from one Island in the Cayman Islands to another. This is quite irregular, and if fully enforced would lead to considerable inconvenience to inter island travellers. There are a number of plants with diseases in the Cayman Islands. Most diseases mostly affect trees such as mango and coconut palms. However, in order to eliminate the possibility of other diseases and pests such as the Mediterranean fruit fly, it is considered appropriate that the necessary permit be sought through the Department of Agriculture.

At present the importation of plant in the current law includes any growing plant, cutting, bud, grass, bulb, root or seed, and any fruit or vegetable intended for propagation and not for consumption as food. A number of plant pests and diseases have been carried to other countries by persons importing plants, fruit and vegetables for consumption as food. With the present amendment, Mr. President, the Chief Agriculture and Veterinary Officer or his assistant would have the responsibility of ensuring that all plants are inspected before being released to the importer.

This Bill also seeks to make the Chief Agricultural and Veterinary Officer the authority responsible for the administration of the Law instead of the Governor in Council.

Hon. JOHN McLEAN (CONTINUED): The present law requires that should a person wish to import plants on an aeroplane from any one Island to the other must first seek the written authority of the Governor, or some person authorised by him. It is considered that the Chief Agricultural and Veterinary Officer is the authority on plants, and therefore the responsibility for administering the law should rest with him.

Mr. President, this is a very short amendment bill, but a very important one, one which I recommend to this Honourable House, and I am asking all Honourable Members for their fullest support.

MR. PRESIDENT: The question is that the Bill entitled a Bill for a Law to repeal and re-enact with amendments the Plants Importation and Transportation Regulations Law (Revised) be given a second reading. The motion is open for debate.

MR. OSCAR SMITH: Mr. President, I support the idea behind removing the requirement of always having permission to transport plants between one Island and the other. On the other hand, I am wondering whether the law should not contain a power to maintain circumstances to require that permission be granted to transport plants from one Island to the other. In other words, I am saying, do not make it a general thing, but the provision that it could be invoked if necessary, should, in my opinion remain in the law. Because do we not appreciate that since Grand Cayman is one point of importation and Cayman Brac another that you could find the situation arising where you have plants infested in one Island and not in the other. And in those circumstances, it would be in my opinion be desirable to prohibit the transportation of that particular plant or any species that could convey the disease to the other Island. Otherwise it could be quite disastrous. That is the only comment I have on the Bill.

MR. CRADDOCK BODDEN: Mr. President, I think I quite understand what Mr. Smith has outlined, but if the Chief Agricultural and Veterinary Officer is fully qualified as I have and believe he is, then it would appear that he ought to be in a position to control any import or export of plants if they seem to be diseased, and I do not feel, we should not attempt to think at this time that Government in its capacity would over-rule the finding of the Chief Agricultural and Veterinary Officer if he prohibited some type of plants that is flowering or rich with some disease that he could point out. I cannot see that this would come about if he is qualified in his field which I believed he is and in his capacity I think that can be reasonably accepted that he would do everything that is fair to the Islands and the people and Government and everyone concerned. So I support the amendment as before us.

MR. PRESIDENT: If no other Honourable Member wishes to speak, I will ask the mover whether he wishes to exercise his right of reply.

HON. JOHN McLEAN: Mr. President, I wish to thank Members for their support and to thank the two Members who did express their views on certain parts of the Bill. I think the point made by the Honourable Member from West Bay is well taken. However, as has been pointed out by the Member from North Side, I think it is the duty of the Chief Agricultural and Veterinary Officer in his capacity as head of that Department and the professional body in agriculture if there is such a disease reported in let us say, the Sister Islands, for example, it is his duty to see that a ban is placed on that and that it is not transported from that Island to Little Cayman or Grand Cayman.

HON. JOHN MACKAY (CONTINUED): However, I think it is very awkward for us to legislate or to make a law which covers Cayman Brac separately from Grand Cayman. In order for us to put the clause which was in there is exactly what we are doing. Take a fire arms licence for example, it is granted for Grand Cayman and if you have a general licence you are allowed to take it to either of the three islands. However, the point is taken, and I would just like to thank Members for their support.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a law to repeal and re-enact with amendments the Plants Importation and Exportation Regulations Law (Revised) be given a second reading. Will those in favour please say aye. Those against, no. The ayes have it.

THE PENSIONS (AMENDMENT) BILL, 1988

FIRST READING

CLERK: The Pensions (Amendment) Bill, 1988.

HON. VERNON T. WATLER: Mr. President, the Bill for a law to amend the Pensions Law is desired to have been read a first time, and be set down for second reading.

SECOND READING

CLERK: The Pensions (Amendment) Bill, 1988.

HON. DENNIS E. FOSTER: Mr. President, I move the second reading of a Bill for a law to amend the Pensions Law Chapter 101. Mr. President, the Bill seeks to make a few amendments to the Pensions Law and the Pensions Regulations which are contained in the Schedule of the Law. These amendments have become necessary now, because over the years officers in the Civil Service that have reached up found that it is needed for a law to make amendments as per these rights.

The Bill, Sir, seeks to define "pensionable office" and redefine "non pensionable office" to provide a more satisfactory method of ascertaining whether or not an office is pensionable.

It also seeks to make provision for a pension or gratuity or other allowance to be paid in cases where there is some doubt as to the regularity due to the failure in administrative process, at some time during the officer's service. What is meant by that, Mr. President, is that the Law says that a person has to be confirmed, and through some neglect or oversight, the officer was not confirmed but has put in the necessary time for pension and so on, that he can be granted. There are many other cases that come up that this will seek to solve in the future.

It also seeks to provide that pension be paid to an officer at the age of sixty who has put in ten years service, which means, Mr. President, that if the officer has worked for Government from age twenty to age thirty, let us say having put in ten years and then leaves the Government when he attains the age of sixty he can draw his little pension whatever it might be.

It also seeks to give the Governor, with the approval of the Pensions Committee, the power to increase the pension to alleviate pensioners. In the past, Mr. President, when the civil service got an increase it was more or arbitrarily taken for granted that we should give the pensioners any similar increase, but there was no backing in the law for it, and on many occasions the pensioners never got it either. So this seeks to give the Governor, with the approval of Pensions Committee that power.

HON. DENNIS W. FOSTER (CONTINUING): Lastly, it seeks to amend the regulations so that if an officer has a break in service and comes back to work later with the approval of the Commissioner, it will not affect his total years of service. This can quite easily happen, when an officer might put in four or five years and through family problems or something, has to stop working for two or three years, and maybe have come back, that the whole civil service counts. I think that this is a very fair and reasonable, short amendment, Sir. All the clauses are very necessary and I recommend them to Members.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a law to amend the Pensions Law be given a second reading. The motion is open for debate.

MR. NORMAN SADDUM: Mr. President, I would just like briefly to support this Bill before the House. I feel that it is high time that these anomalies be corrected and that the pensioners reap some benefits of what they are entitled to. I know that many times, for one reason or another, people in our community who have given dedicated service to this country, or sometimes for circumstances beyond their control, they have not reaped any benefits that I felt they were entitled to, and I give this Bill my wholehearted support. I am pleased to see it before this House. Thank you.

MR. PRESIDENT: Unless any other honourable Member wishes to speak, I will put the question, which is that a Bill entitled a Bill for a law to amend the Pensions Law be given a second reading. Will those in favour say aye, those against, no. The ayes have it.

BILL GIVEN A SECOND READING

CLERK: The Probate of Deeds Bill, 1983.

THE PROBATE OF DEEDS BILL, 1983

FIRST READING

MR. PRESIDENT: The bill entitled a Bill for a law to amend the Probate of Deeds Bill (Revised) be deemed to have been read a first time and be set down for second reading.

SECOND READING

CLERK: The Probate of Deeds Amendment Bill, 1983.

HON. MICHAEL BRADLEY: Mr. President, Sir, in accordance with Standing Order 41, I beg to move the second reading of a Bill shortly entitled the Probate of Deeds (Amendment) Bill, 1983.

Once again it is a very short bill. It is a Bill which seeks to make one minor amendment to the Probate of Deeds Law (Revised), but to one which though minor in extent is not minor in significance as regards expedition of the business dealings of the community in this country or of our transactions with the persons overseas who are involved in the offshore finance and business industry.

The Probate of Deeds Law Chapter 155 is a document of natural antiquity. It was originally made part of the laws of this territory in 1901, and has been amended and very briefly just once in 1969.

As section 4 of the law presently stands where a deed is executed in any country outside here it may be proved on the oath of affirmation of witness or acknowledged by a party before a Notary Public in such overseas country, and every Deed so proved shall be acknowledged and certified under the hand of the Notary Public.

HON. MICHAEL BRADSHAW (CONTINUING): What is appropriate as to grant, however, there is in the Memorandum of Objects and Reasons says on oath was requirement in the second half of that section, and since it is not united fully in the amending Bill, I will read it out to Honourable Members. It says, "and provided that where any deed purports to have been proved or acknowledged before any Notary Public in any foreign state or country there shall be annexed to such deed a certificate under the hand and seal of the appropriate officer of such foreign state or country to the effect that the person before whom such deed is so proved to a Notary Public duly commissioned and practising in such foreign country or state or some portion thereof, and that full faith and credit can be given to his acts."

When communications were bad, when information was not readily accessible, when the veracity or otherwise of signatures and certificates could not easily be ascertained or expeditiously, such a requirement may well have been necessary years ago. Now, Mr. President, Sir, it is an unnecessary and burdensome requirement to the business community of these Islands and to the legal community and to the finance community, because it means in fact that there is a three tier examine to be performed that a deed subscribed outside the foreign country must first be signed, witnessed or acknowledged, it must then be sworn or certified before a Notary Public and then the Notary Public's signature must be duly certified before an appropriate officer of such foreign country.

In practice this means that in a great many documents that are coming here there are delays, they have to be returned, because not everybody is aware of our present requirements, and dilatorius delays occur in the appropriate filing or dealing with these documents.

All this short Bill proposes to do, Mr. President, Sir, is to provide that where a Notary Public has certified and sealed in such other territory that no other counter-certification is necessary by a public officer in such foreign country.

I think this will be a measure which will greatly assist the workings of our business community, and I commend it to the Members of this Honourable House. Thank you.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Probate of Deeds Law (Revised) be given a second reading. The motion is open for debate.

MISS ANNIE HYDAR BODDEN: Mr. President, Sir, I had to keep very quiet during discussion thus far, but I must say that I heartily endorse this new Bill which is before us. It is really very burdensome sometimes when one has to send a document abroad to be witness. It comes back signed by the person who should have signed it, witnessed by the Notary Public, but unfortunately in most cases they forget a stipulation it has to be certified by the Clerk of the Circuit Court or otherwise. This could greatly facilitate the public in every way. I recommend and heartily endorse this Bill.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak I will put the question, that a Bill entitled a Bill for a Law to amend the Probate of Deeds Law (Revised) be given a second reading. Will those in favour please say aye, those against, no. The ayes have it.

BILL GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled a Bill for a law to amend the Penal Code and various other Bills.

HOUSE IN COMMITTEE

MR. PRESIDENT: The House is now in Committee. A Bill for a Law to amend the Penal Code.

THE PENAL CODE (AMENDMENT) BILL, 1968

CLERK: Clause 1. Short Title.

MR. CHAIRMAN: The question is that Clause 1 stand part of the Bill. If there is no discussion, I will put the question. Will those in favour please say aye, those against, no. The ayes have it.

CLERK: Clause 2. Amendment of section 43 of Law 12 of 1974.

MR. CHAIRMAN: The question is that Clause 2 stand part of the Bill. If there is no debate I will put the question. Will those in favour please say aye, those against, no. The ayes have it.

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

MR. CHAIRMAN: The question is that the title stand part of the Bill. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1968

CLERK: Clause 1. Short Title.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 2. Amendment of section 70 of Law 14 of 1975.

MR. CHAIRMAN: The question is.....

HON. MICHAEL BRADLEY: Mr. Chairman, Sir, since the publication of this Bill, a suggestion has been made to me that instead of extending the default penalty to five years generally that it might be maintained, say to two years in relation to offences other than the misuse of drugs offences and to five years in respect of that. I have no great feelings in the matter. I feel that if we leave it as it is in the Bill as at present that the Court has still a discretion as to the amount that it can impose in default. I think that it is unlikely that the Court would be over vigorous in the exercise of its power. But since the representation or the suggestion rather, was made to me, I thought it fair to bring it to the notice of Members. I do not propose myself to make any amendment.

MR. CHAIRMAN: Unless any Member wishes to propose an amendment, the question is that Clause 2 stand part of the Bill.

HON. T.C. JEFFERSON: Mr. Chairman, I would only like to point out that in the marginal note, that the word "amendment" is not spelt correctly.

MR. CHAIRMAN: Thank you very much. You are quite right. The question is that Clause 2 with the marginal note suitably corrected to spell the word 'amendment' properly, stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 3. Amendment of section 172 of the principal Law.

MR. CHAIRMAN: The question is that Clause 3 stand part of the Bill. If there is no debate I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 4. Amendment of Schedule 1 to the principal Law.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill. If there is no debate, I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: A Bill for a Law to amend the Criminal Procedure Code.

MR. CHAIRMAN: The question is that the title do stand part of the Bill.

If there is no debate, I will put the question. Will those in favour please say aye. Those against no. The ayes have it.

THE PLANTS (REGULATION OF IMPORTATION AND EXPORTATION) BILL, 1983

CLERK: Clause 1. Short Title.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there is no debate, I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 2. Interpretation.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

MISS ANNIE ELIZABETH BODDEN: Mr. Chairman, Sir, I would like to know if any, something like onions and potatoes would come under this definition of plants. Would you have to get a written permission to import, say onions and potatoes?

HON. JOHN MCLEAN: Yes, Mr. Chairman. The reason for this being not so much onions, but take for example, crops like yams, have been brought into the country with a certain amount of soil attached to them. It is just a procedure to try to keep down diseases which are presently in Jamaica and places like that.

It is just the companies that are presently involved in such importation are in most cases dealing with fairly up to date companies. It would only mean having a certificate from that end.

MR. CHAIRMAN: Is there any further debate on Clause 2?

Sr. HOWSON H. EDWARDS: Mr. Chairman, I do not know whether this is the place for me to refer to it or not, it seems that it might have come under another section, but the point which I make was, in one instance did not seem to be fully understood, and in the second instance, the assurance given by the Member piloting it, I am not sure under.....

MR. CHAIRMAN: May I interrupt you for ten seconds, are you sure you are raising it under the right Clause.....

MR. DENCON EDWARDS: This is.....

MR. CHAIRMAN: I thought you might raise your point, but I would have thought under Clause 2 would have been more appropriate.

MR. DENCON EDWARDS: Well, this is the point I made. I was not sure, but since we got into debate.....

What I am merely asking is if the Member could indicate to me under what section of the Law the Chief Agricultural and Veterinary Officer could ban, in certain instances, the transport of plants from one Island to the next if he deemed it necessary to prevent the spread of disease. He seems to have taken the point and said that it could be done, but I am unable to see where it can be done.

HON. MICHAEL BRADLEY: Mr. Chairman, Sir, I am sorry I was out of the House when the Honourable Member was speaking. I thought that the second paragraph of the Memorandum of Objects and Reasons was relative. It said it is the only way with the requirements that plants, as defined, cannot be imported from one to the other without written authority.

MR. CHAIRMAN: I think as you have put you did not get the point which was made by the Member to the effect that there could be circumstances under which a disease came into one of the Islands but not into another and there should be power for the Chief Agricultural and Veterinary Officer to require permits but it should not be a standard requirement.

HON. JOHN McLEAN: Mr. Chairman, I think that it is covered in section 4 actually. It says that the C.A.V.O. may at any time in writing direct that any plants imported into the Island without the permission - now I would think it would be the C.A.V.O. to direct.

HON. MICHAEL BRADLEY: With respect to my Honourable Colleague, I do not think that 5 would be sufficiently explicit. If it was the wish of the Honourable proposer to agree to the principle of such an amendment as the Honourable Member opposite mentioned, it would I think, perhaps need an extra clause saying something like the C.A.V.O. may when he considers it necessary to prevent the spread of disease, make an order prohibiting the importation of such plant or may be specified from one specified Island to another.

I think it should with respect be a separate section.

MR. CHAIRMAN: If the proposer in principle favours a power that would enable a temporary requirement to be imposed under particular circumstances for permission to have to be obtained to take to one Island to another it may turn out to be convenient to the Committee that in due course we should adjourn without having completed the Committee's deliberations in relation to this Bill in order to give time for an additional clause with which the proposer would be happy to be drafted and then complete the Committee's deliberations on the Bill later on.

HON. JOEY SMALLWOOD: Mr. Chairman, that is fine with me.

HON. MICHAEL BRADLEY: I would do it now if the House wishes.

MR. CHAIRMAN: If you really can do it, well let us go on with the other sections and we can come back to your new section in a minute if you think that it will be.....

HON. MICHAEL HARRIS: I would propose to do it by adding new sub-clause after 5 and re-numbering the rest.

MR. CHAIRMAN: What is going to suit the convenience of the House? Will Members be content to suspend Standing Orders to the extent of in effect allowing an amendment to be read out to introduce an additional clause on the lines contemplated when we come to what will become the new clause 6. Or would Members prefer to have something circulated in writing and have a better opportunity to study it.

Quite, quite expedient.....

MR. BENSON EDENS: Yes Sir, I do not think it is a very difficult amendment.....

MR. CHAIRMAN: Fair enough. We will leave the Second Official Member to his drafting and continue temporarily the debate on Clause 2 which in fact strayed somewhat from Clause 2 itself. Nobody I think has in mind to amend Clause 2. So I will put the question that Clause 2 do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 3. No importation or exportation without permission.

MR. CHAIRMAN: Clause 3 on my copy has a manuscript amendment to the word which was 'written' and should be 'written'. I imagine all Members have the same manuscript that I have.

Unless any Member wishes to speak, I will put the question that Clause 3 as directed in manuscript do stand part of the Bill. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 4. Power to prescribe conditions.

HON. MICHAEL BRADLEY: Mr. Chairman, Sir, there are two typographical errors, both in the first line:- C.V.A.C. should of course, read C.A.V.C. The word permission is incorrectly spelled.

MR. CHAIRMAN: Unless there is any debate, I will put the question that subject to the correction of those two typographical errors, Clause 4 do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 5. Power to order destruction.

HON. MICHAEL BRADLEY: Again, the same typographical error, C.V.A.C.

MR. CHAIRMAN: Again, unless there is any debate, I will put the question that Clause 5 with the typographical error corrected, do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

Be it at this point.....

HON. MICHAEL BRADLEY: Yes, Mr. Chairman. Could I with your leave under 52 (2) of Standing Orders move the following amendment of which notice has not been given in accordance with Standing Orders.

MR. CHAIRMAN: Leave granted.

HON. MICHAEL BRADLEY: Mr. Chairman, Sir, I beg to move that the following new clause be inserted immediately following Clause 5. Margin note: Restriction or prohibition of inter-island movement. 6. The Governor may, when it has been certified to him by the C.A.V.O. that it is necessary for the prevention of the spread of disease to restrict or prohibit the importation or exportation of plants between the Islands make regulations for that purpose.

I think I should explain to Members as I think it is appropriate that the Governor make regulations, but it should be done only when it has been certified by the C.A.V.O.

That is the first rough draft. Of course, I am open to suggestions from Members.....

MR. CHAIRMAN: If I could make one suggestion. Should it not be the Governor in Council. Clause 9 of the Bill talks about the Governor in Council making regulations, and I would have preferred it to remain consistent.

HON. MICHAEL BRADLEY: I was going to come to that under Regulation 2, Sir, because under the Constitution it is the Governor in Council always but we do occasionally have this problem that crops up as to whether we should specifically refer to Governor in Council, or whether Governor means Governor in Council except when the occasion is needs its own discretion. So it.....

MR. CHAIRMAN: It long as it means Governor in Council Each time.....

HON. MICHAEL BRADLEY: Yes, so to make it consistent, but we make it Governor in Council, now, yes. The Governor in Council may.....

MR. CHAIRMAN: Perhaps, I should read it again, just quickly, so that Members can be sure that they have it correct.

The proposal, as I understand it is that a new clause 6 should be added to the Bill all subsequent clauses being consequentially renumbered. The marginal note to the new clause should be 'Restriction or prohibition of inter-island movement,' and that the clause itself should read 6. The Governor in Council may, when it has been certified by the C.A.V.O. that it is necessary for the prevention of the spread of disease to restrict or prohibit the importation or exportation of plants between the Islands make regulations for that purpose.

I am taking the words 'to him' out since we put 'in Council' in.

If Members have followed the clause, may I ask whether there is any debate upon it. Is the proposer happy with it?

HON. JOHN MAGEE: Mr. Chairman, the only thing in that connection of the old law as actually in 5, we just changed it from the Governor to the C.A.V.O. and I think we should get the same effect if we just said the C.A.V.O. because we do have power in 9 to make regulations anyway.

MR. CHAIRMAN: I think that what would happen if I have understood it correctly is that in the event that there was cause to fear that there was a disease in one Island which might spread to the others, then a regulation would be made by the Governor in Council and the regulation would give the C.A.V.O. whatever power was necessary, and he

MR. CHAIRMAN (INTERRUPTING): would issue the permit. So I think the permit issuing authority would be the C.A.V.O. as to so in the law, but I do not think we could give the C.A.V.O. power to make regulations.

HON. JOHN McLEAN: No Sir, I am not saying that. I am just saying that you have here the Governor way, and under 6.1 think you could get the same effect.

MR. CHAIRMAN: I will ask the Attorney General. But I think you will find that 6 will only give the Governor in Council power to make regulations which under matters spelt out in the other clauses.

HON. JOHN McLEAN: Yes Sir, I do not want to prolong this....

MR. CHAIRMAN: But if you are happy with it.

HON. JOHN McLEAN: That is fine.

MR. CHAIRMAN: I think what has been proposed meets the kind of arrangement that you wished, and that the Third Elected Member from West Bay suggested too. So if there is no further debate, I will put the question that the new Clause 6 do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 7. Destruction, use, on offence.

MR. CHAIRMAN: The question is that what is now clause 7, do stand part of the Bill. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 8. Import or export only through certain ports.

MR. CHAIRMAN: The question is that what has become Clause 8 do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 9. Penalty.

MR. CHAIRMAN: The question is that what has now become Clause 9 do stand part of the Bill. If there is no debate I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 10. Regulations.

MR. CHAIRMAN: The question is that what has now become Clause 10 do stand part of the Bill. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 11. Repeal.

MR. CHAIRMAN: The question is that what has become Clause 11 do stand part of the Bill. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: A Bill for a Law to repeal entirely and re-enact with amendments the Plants (Importation and Transportation Regulation) Law (Series 1).

MR. CHAIRMAN: The question is that the Bill do stand part of the Bill. If there is no debate I will put the question. Will those in favour please say aye, those against no. The ayes have it.

It is slightly past the time when we normally adjourn for lunch. There are two further Bills in addition to a number of Government Motions, so I think that we will certainly be meeting this afternoon. I am in the hands of the Committee. Would you prefer to finish the Committee Business, in other words, deal with the other two Bills in Committee now and break a little later for lunch, or would you prefer to break now and return in Committee after lunch?

HON. MICHAEL BRADLEY: I have a certain other matter to dispose of. I personally would prefer to adjourn now, Mr.

MR. CHAIRMAN: Would it be convenient if we adjourn now? We are certainly going to be meeting this afternoon.

The Clerk advises me that I can properly suspend proceedings at this point without returning in the House, so I will do so and suggest we meet..... Would Members prefer 2 p.m. or 2:15? 2 p.m. Thank you very much.

HOUSE SUSPENDED AT 12:30 P.M.

HOUSE RESUMED AT 2:00 P.M.

MR. CHAIRMAN: Proceedings in Committee are resumed.

A BILL FOR A LAW TO AMEND THE PENSIONS LAW

CLERK: Clause 1. Short Title.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 2. Amendment of Section 2 of Chapter 187.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill.

HON. MICHAEL BRADLEY: There should be a capital I in the word Law in the first line, Sir.

MR. CHAIRMAN: If there is no debate I will put the question that Clause 2 subject to the one correction, which the Second Official Member has brought to our attention, do stand part of the Bill. Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 3. Insertion of new Section 3(A).

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

HON. RICHARD DOUCET: Mr. Chairman, I believe that first part, "Welfare of administrative process" is probably a slide argument more.

HON. MICHAEL BRADLEY: It is.

MR. CHAIRMAN: It is.

HON. MICHAEL BRADLEY: It is probably the difficulty in striking it out, but.....

MR. CHAIRMAN: It would be made clear when printing the Law. It is possible or difficult to make it.....

HON. MICHAEL BRADLEY: I took it for granted the Clerk would renumber it, as she normally does when dropping up exercises for us.

MR. CHAIRMAN: Subject to that comment is there any further debate? In that case I will put the question that Clause 3 do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 4. Amendment of Section 8.

MR. CHAIRMAN: The question is that Clause 4 do stand part of the Bill.

HON. MICHAEL BRADLEY: I think Mr. President, Sir, that we have left out a close and opening bracket. If we have not, we should put it in, because as it reads now it looks rather like this. If we could do that.

MR. CHAIRMAN: If there is no debate, I will put the question which will be that Clause 4 commencing at that immediately inside the inverted commas and the bracketed word (vi) a, to not inc. I will put the question that Clause 4 do stand part of the Bill.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 5. Amendment of Regulation 4.

MR. CHAIRMAN: The question is that Clause 5 do stand part of the Bill. If there is no debate I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 6. Amendment of Regulation 16.

MR. CHAIRMAN: The question is that Clause 6 do stand part of the Bill. If there is no debate I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: A Bill for a Law to amend the Pensions Law Chapter 121.

MR. CHAIRMAN: The question is that the Bill do stand part of the Bill. If there is no debate I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

THE PROBATE OF DEEDS (AMENDMENT) LAW, 1984

CLERK: Clause 1. Short title.

MR. CHAIRMAN: The question is that Clause 1 do stand part of the Bill. If there is no debate I will put the question.

Will those in favour please say aye, those against no. The ayes have it.

CLERK: Clause 2. Amendment to Section 6.

MR. CHAIRMAN: The question is that Clause 2 do stand part of the Bill. If there is no debate I will put the question. Will those in favour please say aye, those against no. The ayes have it.

CLERK: A Bill for a Law to amend the Registration of Deeds Law (Revised).

MR. CHAIRMAN: The question is that the title do stand part of the Bill. If there is no debate I will put the question. Will those in favour please say aye, those against no. The ayes have it.

That concludes proceedings in committee on a Bill entitled a Bill for a Law to amend the Penal Code and various other Bills. The House will now resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

REPORTS ON BILLS

THE PENAL CODE (AMENDMENT) BILL, 1988

HON. MICHAEL BRADLEY: My apologies, Sir. I did not see any mention of Reports listed on the agenda so I was caught slightly by surprise.

MR. PRESIDENT: I speak subject to correction. I thought the report stage always followed, and we set the Bill down for the third reading, and the third reading took place on the same day. I think that is the normal procedure.

HON. MICHAEL BRADLEY: That being so, Mr. President, Sir, I beg to report that a Bill shortly entitled the Penal Code (Amendment) Bill has been considered by a committee of the whole house, and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1988

HON. MICHAEL BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled the Criminal Procedure Code (Amendment) Act, 1988 has been considered by a committee of the whole house and passed without amendment, subject to one typographical error amendment in the margin note thereto.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE PLANTS (REGULATION OF IMPORTATION AND EXPORTATION) BILL, 1983

HON. JOHN MAHON: Mr. President, I have to report that a Bill for a Law to repeal and re-enact amendments to the Plants (Regulation of Importation and Exportation Law (Revised)) was considered by a committee of the whole house and passed with an additional paragraph.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE PENSIONS (AMENDMENT) BILL, 1968

HON. DENNIS FOSTER: Mr. President, I have to report that a Bill for a Law to amend the Pensions Law was considered by a committee of the whole House and passed with one slight amendment in section 4.

MR. PRESIDENT: I think the amendment is a correction to the typography rather than a substantive amendment. The Bill is accordingly set down for Third Reading.

THE PROBATE OF DEEDS (AMENDMENT) BILL, 1968

HON. MICHAEL HANDLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled the Probate of Deeds (Amendment) Bill, 1968, has been considered by a committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

GOVERNMENT MOTION NO. 8

REVISION OF COMPANIES LAW

HON. THOMAS C. JEFFERSON: Mr. President, as indicated in the Budget address on Friday, I move Government Motion No. 8 which reads, "Be it resolved that this honourable house do in accordance with Standing Order 69 of the Legislative Assembly Standing Orders 1968, constitute a select committee to consider and report upon the law that is the Companies Law relating to Limited Liabilities Companies at present in force in the Islands, and to make recommendations concerning what if any changes are necessary and desirable to such legislation in order more effectively to assist the financial and corporate infrastructure in the Islands. And be it further resolved that this honourable house do appoint all the Members of the Legislative Assembly both elected and official to be Members of such committee."

MR. PRESIDENT: The motion which I will now read out again is now open for debate.

HON. CHARLES KIRKCONNELL: Mr. President, Sir, I would like to say that I feel we should publish and advise the public that we are about to make amendments or revisions of these matters, the first motion before us and the second motion as well, so that we cannot be accused of legislating behind the public's back.

I certainly support the motion, Mr, but I would ask that this be considered.

MR. PRESIDENT: I think the fact that the motion has been passed, will automatically be published. If what you mean is that the select committee should call for representations from the public, that is perhaps a matter for the committee itself to consider, but if the motion is carried you will be a Member of the committee you will be able to bring to it to the committee's notice.

HON. CHARLES KIRKCONNELL: Mr. President, what I am really suggesting, Sir, is that we publish this in a paper saying that these motions are coming forward so as did with the Education Law, we asked for public comment.

MR. PRESIDENT: It was the salient omission in the case of the Education Bill that invited the comments, that's my sole point.

HON. MICHAEL HEALEY: I feel Mr. President, Sir, that whoever is appointed Chairman of this select committee will be, being one of our fifteen select cognizant of the wishes of the Member and would follow this procedure. I think it does no harm formally for the Member to record it here his feeling on the matter and as there has been in the past a press release requesting information and suggestions, I think it would be very useful for it to be done in respect.....

MR. PRESIDENT: I was in no sense disagreeing, I was simply reading I think it is for the select committee itself to take that action.

QUT. CECILIA KIRKCONNELL: Mr. President, with the Education Bill, the Member who presented the bill, he published it and asked for public opinion.

MR. PRESIDENT: Quite true. Yes, yes. Well I think.....

MR. CHADOCK EVANS: Mr. President, am I getting the understanding that whatever is brought to this House now, whether it be a new Bill to become a law, an original law seeking amendments, that it must all go out in the press for the public to decide whether it should or should not be? I mean that if that is the case the twelve Members ought to go out and learn it then to the public. I mean if I got to defend myself, I can say what I got to say, and the public can say what they got to say. I have taken knocks for a long time and I can still take them. I feel every Member in here do which the reasoning of being fair to the people of this country. Any proposed amendment that comes to this House ought to be dealt with by the Members of this House whether through a select committee or not.

You got the public out there walking the streets and picking up courts and spreading gossip, why do not they come here and hear for themselves what is going on?

I suppose then to go to select committee. As far as I am concerned when the select committee finish with it and brings it back to the House and those that want to hear it, let them hear it, that is all.

MR. BERNIE O. PEARCE: This procedure of legislation emanating from select committee is a bit novel. No legislation in my opinion is suggested in a vacuum. Government in bringing this legislation is obviously cognizant of some short comings in the law or some areas in which it is desirable to up-grade it to make it be their opinion, more workable. It is my opinion that if Government were to employ those proposals which they have in mind in the form of a Bill, publish it, bring it to the House in a normal way and then send it to a select committee, we could have fuller and more complete debate on it.

Once we enter into a committee on this matter our hands become somewhat tied in discussing the subject and for that reason, I too agree that a draft Bill by Government brought in the normal way, published, come in for the second reading and then go to a committee is a more effective way of dealing with legislation than through a select committee being formed, studying a matter, formulating a law and then bringing it out.

We have seen the difference of this approach in this session where we have had the Education Law which was proposed in the normal way. It went through a second reading and we got full input from it. We were even able to go to our constituents in meetings prior to coming in for the Second Reading.

MR. PERSON (L. BRANCH (CONTINUING): Contrary to that we have the Bimetham Act which is the offspring of one of these committees similar to what is being proposed now. As a consequence of it being the offspring of a committee of the whole House it has not been possible for us to give it the same publicity and full discussion that we have been able to give say to the Education Law.

For this reason I support the idea that Government should formulate its views on a Bill and follow the normal course rather than putting all the Members into, shall I say, virtually juries into a committee to formulate the policy or the contents of the law. For that reason, Mr. President, I cannot support this resolution.

MR. S. WILMOTT EVANS: Mr. President, I support the motion on the Bill. The idea of taking it to the public, I wonder if these things used to be done before? Who has suddenly spoken up giving them hope that everything has to be taken to the public? I think that we are here to pass laws and to make laws, that is why the public put us here.

So I will resume again with them. I agree with the mover and I support it, if when we get in the committee he feels like inviting comments from the public, then it is his privilege to do it.

HON. MICHAEL BRANDT: Mr. President, Sir, select committees are in control of their own procedures and their own questions, and whilst there is a duty and obligation of confidentiality imposed upon all Members of that select committee I do not see that it would be impossible, especially in what I envisage a long term exercise such as this select committee is to be, to have a procedure whereby the select committee is appointed, whereby they invite representations and input from the general public and thereafter at a certain stage say to Government or to the Legal Draughtsman or to the Attorney-General or whoever is appropriate, might we have reached a stage that we have what we think is appropriate now, you have enough of a skeleton to build a Bill upon. Then if the Committee think that it is appropriate at that stage, they could invite an actual Bill to be prepared and at that stage make a recommendation, whether that Bill be published or present that as an information paper to the public.

I do not necessarily feel that it is appropriate in circumstances such as this complex legislation where there will be a considerable input from the financial, business, and legal sectors that Government should attempt to get off and put forward a Bill which would contain provisions which may be inappropriate to those communities.

I feel that there is a virtue in having the motion passed as it is.

HON. JOSIAH HILTON: Mr. President, the procedure that is being followed here is very clearly within the Constitution but the Sister Elected Member from West Bay passed Bank some eleven, twelve years ago, Section 64 of that Constitution, there is power to appoint committees of the Assembly, and in fact there is a provision of this in Standing Order 74 where it says the House may appoint any of the Members to be Members of a select committee to consider and report on a Bill or otherwise to assist it exercising its functions under Part IV of the Constitution. Part IV of the Constitution covers literally everything this House does. And it is usual whether or not that Member agrees with it recommended matters to have a committee go into it as we have here, and to report back to the House in due course. Under the Standing Orders as the Honourable Attorney-General has mentioned there is latitude once the Committee reaches a certain stage to give clarifying instructions and to at that stage deal with a Bill.

HON. EDWIN HARPER (CONTINUING): The legislation is complex and it is technical and I am sure that input from people within the banking industry, banking personnel will contribute, and I am sure that you know this will be welcomed, so really it is nothing unusual as I see it. It is constitutionally sound and it is Standing Order wise, and nothing which anyone has anything to fear from whatsoever.

The use of select committees perhaps has not been taken advantage of as much in the past, but the Government is getting somewhat more advanced and more complex in relation to the business, and I think more and more you are going to see committees of this sort being set up to deal with matters which are similar to the Companies Law. I think it is needed. I am speaking as a Member who is directly in the company side of the financial centre of the Islands. The thing I think has come to mention that law and to update it, especially in the light of mention of the advances that we have seen in this area of the law in other countries including countries such as the United Kingdom.

I think it is needed. I think the procedure is right, and I think it is the only proper way that it should be dealt with.

HON. ALVIN HURLEY DONOVAN: Mr. President, we are all now aware the Companies Law is, I would say, a very complex matter, and we depend a lot on our income from companies being registered in the Islands. What I would like to ask is this, has any complaint been made by people in the know as to this law being defective in any way, or is this just a motion to straighten out something that is already before the House.

Mr. President, I must be very frank. People are getting now not to trust us too much and consequently we are getting all kinds of registrations, I would say, in matters like this. I feel, Sir, that if the persons to be known that this Companies Law is not adequate for the time being that a proper Bill should be drafted, brought to this House and let us deal with it. But as I understand this thing to say, "Be it resolved that this Honourable House do in accordance with Standing Order 68 of the Legislative Assembly Standing Order, constitute a Select Committee to consider and report upon the Law relating to Limited Liability Companies". Is there anything wrong with this present Law now? Has any complaint been made? Or what is it behind it? I would like to know some more details before I agree to this. Thank you.

HON. G. HAIG BODDEN: Mr. President, I support the appointment of a select committee to study the Companies Law and to make recommendations as to any changes that may be necessary. The existing Law was passed in 1960, and in the 23 years since this Law has been on the books we have seen many changes in company business. We have been in association of companies. We now number the companies on the books in the tens of thousands; in relative area, banking, has also been a tremendous increase. There have been over the years many amendments to the Companies Law, as I understand the Third Official Member may want to give some of his reasons why he thinks it necessary to examine this Law in the light of the large amount of business which is carried on in these Islands.

The Constitution of the Cayman Islands makes provision for select committees. The Standing Orders of the Assembly also amplify these provisions. And in many of the Standing Orders it is quite clear that there is a function for the select committee, not only to study a Bill after it has been referred to the House, but also to assist in any matter pertaining to the business before the House.

It says the House may appoint any of its Members to be Members of a select committee to consider and report on a Bill or otherwise, so under it (meaning the House) in exercising its functions under Part II of the Constitution, which is Standing Order No.

HON. G. EARL DODGEN (CONTINUING): So clearly that Standing Order has made provision for a select committee to examine an existing Bill and report to the House what action should be taken, whether the old Bill should be scrapped or whether it should merely be amended. In some cases perhaps the recommendation could be that it remains as it is.

The other matter with which I would like to deal, in with reference that we must get the consent of the people that be or we must get the sanction of a certain faction of the society before the House can conduct its business. I cannot agree to that at all. As far as I am concerned the Members of this House are the people who must conduct the business of the Government. Five Members have been elected and the other three Members are here because of certain Constitutional provisions. I believe that when the Members of this House were elected in 1960, the public had the utmost confidence in these Members and elected them to make legislation or do whatever else is necessary for the proper running of the country. As far as I am concerned the opinion of the public has not changed one bit. But what has happened in the Cayman Islands over the last two years is that people who were appointed to the polls are now trying to run the country by telling the legislative Assembly Members what they should do. I believe it is wrong for Members to have to go out and consult a little frustrated group as to how this country should be run. I believe the electorate which put we here are satisfied with our actions as certainly nearly all of the Members have been returned again and again to the House. If when next year comes the public is not satisfied let them take action. But the country's legislation should not be instituted by the whims of people who are outside of the House. Particularly when it is such a small frustrated minority.

So if this House wants to set up a committee to study a Bill, I think this House should appoint a committee to study a Bill. They do not have to go out and ask anybody if the Honourable Secretary can put forward a motion to study a Bill. Let it be put forward. Let it be published and then the public can have whatever reaction it wants to have. This is not to say that we must not listen to the public. It is simply to say that the select committee for this Bill is one of the best ways of listening to the public. It would be very unusual if we were to call members of the public inside the Chamber to discuss the Bill. But certainly on a select committee there is adequate provision for papers and persons to be summoned to that committee so that they may give evidence before it or may make their thoughts known to the Members.

So I see the appointment of a select committee on the Companies Law as the best way of knowing what the public has to say on it. Now that it has been announced that a Committee will be set up to study the Companies Law, those people who are interested can now make their ideas on the Law known to the Committee and certainly if those ideas are ideas which the Members of the Committee feel are in the best interest of the country, the Members of the Committee will take cognisance of those ideas and see that they become a part of the Law. However, if the Members and the House itself have to go out to a little frustrated group and ask them if it is all right to set up a committee, I think the Parliament itself will have degenerated into a political body which could not hold the respect of the public. I believe that the public expects us, that is the Members of this Assembly, to take whatever action is necessary for the good government of this country. And when it comes that the public no longer has confidence in us, I do not want to be a Member of Government.

But as long as I am a Member of the Legislative Assembly I feel that I have the backing of the people who elected me to carry out whatever actions are necessary. Some of these actions will be controversial. Some of them may not be the same actions that other people would take, but we have been elected by the majority to sit in this Chamber to legislate as we feel best for the country's interest.

HON. G. MAIR BOOKER (continuing): So we should not be intimidated by a small minority who if they could be elected would do what we are doing if they have the ability without any compunction.

The Third Official Member who moved the motion for the establishment of the committee to deal with the Companies Law acted in my opinion in a manner which was responsible and in the only manner in which he could have the input of all of the Members of the Assembly in dealing with what is not only a complex subject, but with a subject that is an important part of our economy and that is the matter of the companies which form the cornerstone of our financial industry.

The select committee when it has concluded its work will report back to the House and when substantial changes are needed in the Law, a draft Law will be published, will come to this House, will have the first, second and third readings and will go into Law.

It is true that on some occasions bills have come to the House without going through the double process of select committee and then the Legislature. But in many of the lengthy bills and particularly on many of the controversial bills that have passed through this House over the eleven years that I have been here, these bills have ended up in a select committee, simply because it was the wish of the Members. The advantage of having a select committee to deal with a bill is that Members are allowed to speak as many times as they like. They are allowed to call in experts if necessary to deal with technical matters in the Law. They are able to call for papers dealing with the subject. And one can easily see why any complicated matter particularly of a fiduciary nature a select committee is the ideal way of dealing with the bill.

I commend the Third Official Member not only for proposing the motion to set up a committee to study this Law, but also for not going out and asking anybody on the street if he would do it.

MR. PRESIDENT: If no other Honourable Member wishes to speak, I will ask the proposer whether he wishes to exercise his right to reply.

HON. T.C. JACKSON: The Companies Law is perhaps one of the most technical pieces of legislation affecting the financial centres operation that we have on our books.

There is no intention Mr. President, not to give people who are operating in the financial industry or members of the public who wish to make a contribution to the review of the Law. There is no intention whatsoever in my mind of barring them from doing so. Mr. President, if you would allow me, on Friday when I delivered the Budget Address, on page one, dealing with company registration, it reads "It is the intention of the Legislature a motion will be moved to create a select committee to carry out the review. It is presumed an invite comments and representations from members of the public who are significantly concerned with the Law to make a contribution."

Mr. President, we have had for a number of years representations by members of the private sector asking for amendments to various sections of the Law. We must remember Mr. President, as one Member said, "We do not do things in a vacuum."

The Cayman Islands is competing for international business with a lot of off-shore operations. If their Companies Law is more attractive than ours I do not think there is any question in the minds of Honourable Members on to what is going to happen. Some of these countries have sections of the Law that are much better than ours. They allow for the redemption of shares which we do not. They allow for a company to issue one share and to many business. Under our Law you have to issue three.

HON. T.C. JEFFERSON (LOW VOLTA): There are also countries which have legislation on their books, sections of their Companies Law, which allow for the migration of companies from one country to another. We do not.

We have history about the international scene, Mr. President, and I agree, I am the most junior Member in the Legislative Assembly and perhaps my understanding of how something should be done differs from others. I think that we will always disagree on items as we proceed with the business of Government. But it seems to me the best possible solution at this time to deal with hundreds of sections of the Companies Law, they all should be reviewed. We should all invite as many people as we possibly can to give us input on the law. There are lots of people in the private sector, lawyers, accountants, banking, trust people, who all want the opportunity to review this Companies Law.

I think if I should say so the Companies Law is the corner stone of the financial sector's operations and I therefore stop my comments Mr. President.

MR. PRESIDENT: The question is that Government motion No.8 providing for a select committee to consider and report on the Companies Law should be appointed, and that all Members of the Assembly serve on it.

Will those in favour please say aye, those against no. I think the ayes have it.

HON. EMILE MILLER HODGE: Could we have a division?

DIVISION

Ayes	Noes
Mr. Dennis Lennox	Mr. Benson Stanks
Mr. Emanuel Bradley	Mr. Norman Saulsbury
Mr. Thomas Jefferson	Miss Anita E. Dobbin
Mr. John Malcom	Capt. Charles Kirkconnell
Mr. Truman Gordon	Capt. Bobby Kirkconnell
Mr. Wade Dobbin	
Mr. Captain Smith	
Mr. Orlando Stanks	
Mr. Craddock Stanks	

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MR. PRESIDENT: Nine ayes, five nos. I declare the motion carried.

MOTION PASSED

GOVERNMENT MOTION No. 7

HON. T.C. JEFFERSON: I move Government Motion Number 7. It reads "Be it resolved that this honourable House do in accordance with Standing Order 69 of the Legislative Assembly Standing Orders, 1972 constitute a select committee to consider and report upon the activities of persons engaged in the business of providing information within the Islands Management Sector for companies, and to make recommendations as to whether any legislation is necessary or desirable to control and regulate such activities, and if it is so considered to make recommendations as to what form of control and regulation are appropriate. And be it further resolved that this honourable House do appoint all Members of the Legislative Assembly both elected and official to be Members of such committee.

HON. T.C. JEFFERSON (CONTINUING): Mr. President, the business of company management is an area where the company is now came to dealing with clients accounts. As the majority of business operating in these Islands, this type of business, is mostly done by the Trust Companies where we have set down under the Banks and Trust Companies legislation how regulations must make certain requirements of them. I think that it is only fair, Mr. President, that you have a good look at the organization dealing in companies management.

We have legislation dealing with insurance companies. We have legislation dealing with company registration. I think we will cover all areas if we now consider the possibility of the need to regulate company management. Thank you Mr. President.

MR. PRESIDENT: The motion before the House, Government's Motion Number 7 has been moved out by the mover and I will not repeat it, but it is now open for debate.

MISS ANNIE HULDAH DOLSON: Mr. President, Sir, this is somewhat different from the previous Government Motion number 6. This one is "Be it resolved that this Honourable House do in accordance with Standing Order 69 of the Legislative Assembly Standing Orders of 1976, constitute a select committee to consider and report upon the activities of persons engaged in the business of providing in or from within the Cayman Islands management services for companies."

Well, as I understand it Sir, at present there is nothing that they have to guide them. I will agree to this one Sir, that we make recommendations for such a service to be done within our Island but we can be assured that this service will go on. This in my opinion is different from the previous one, and I will agree why because we should make legislation that is desirable to control and regulate such activities, if it is so considered and recommended. I feel that we should make recommendation for such a law to be enacted to take care of the situation. Thank you Sir.

MR. BENSON O. EBANKS: Mr. President, my comments on this motion are very similar to those on the last motion. I have not been moved by anything I have heard to change my position on the stand I took on that motion.

Purely for clarification of the records, Mr. President, I might add that I had nothing or do with the passing of the Constitution. This is an order given to us by Her Majesty in Council. It was not a Bill passed in this House, whether it was eleven years ago or twenty six.

Mr. President, I could refer Members to the Standing Order under which these motions are brought, Standing Order 69, and notice that the reference is to a Bill which presupposes a draft. I would refer Members further to Section 41 of the Constitution - Committees of the Assembly, and here it says that the Governor may appoint committees of the Assembly. I think that we are getting into some rather deep water and my feeling is that when the Assembly as a body gets in motion on a legislative process that Bill should be in some skeleton form at least that Members can try to put the flesh on that skeleton. I do not feel that we should be hustled into a committee and as I said before the instincts and constraints of such a committee.

I am all for those persons in the public sector having an opportunity to make an input into any Bill of this nature, and I think that the best way to do that is for representations, shall I say by an association bodies as Government has been doing in the past.

MR. KENNY EVANS (CONTINUING): It is going to be very difficult for Members, fifteen Members of the Legislature to listen to Barry Sun, Mack, and Barry to make an input into this. On the other hand they have a right to be heard, and possibly through organizations or associations would be the way to do it.

I make no apology, Mr. President, for dealing with my constituents, when it is possible, the proposed legislation of a far reaching nature. It is unusual as I said, it is new in this Assembly as I know it for Members to be asked to meet in committee to do what is basically draft a Bill, whether it be for amendments or a totally new Bill. I think to repeat and reiterate what I am saying, I suppose the avenue of going through a process where Government has drafted some form of Bill, be it skeleton legislation or whatever, so that we can work on. Again I would refer Members to Standing Order 60 and section 42 of the Constitution which in my opinion presuppose the type of committee that would go into something like this.

I remember, for example specifically the committee that was appointed to go into and study the introduction of our own currency. That was a Committee composed of a few Members of the Legislature and members of the public. Once that was completed by Government a draft Bill was brought to the House or it was published a draft Bill, brought to the House and debated. That is something of the procedure I would like to see allowed in these instances. Thank you.

HON. THOMAS SOPHUS: Mr. President, Sumuu, the Prophet who lived here in the First Century B.C. and the First Century A.D., said that one greater part of progress is to progress. So that Mr. President is one part I would hope Members here would have come easier to progress because the arguments put up by the Third Elected Member for West Bay seem to me the biggest stumbling block to the wheels of progress that have started since the First Century B.C.

I fail to understand how for political reasons there can be one Member to stop or control or do away with what is in the interest of this country. If we are going to progress then we must take a positive approach. There is not one person in this Assembly, and not one person in the financial industry who will not tell you that it is necessary to update our laws especially the companies law and that relating to company management.

I find it somewhat disheartening because the Third Elected Member from West Bay is partly out there in the financial industry, and he knows very well that this is necessary at this stage. But, it appears to me for political reasons, because over certain courses are taken than it gives a greater political advantage to certain people that they wish to just stop the wheels of progress completely. I mean it really amazes me that Members here would not see sufficient light in now that these two measures are very necessary for the progress in this country and the time really has come where politics seems to be getting into the way of progress.

I do not really mind how things are achieved once they are achieved in a correct and democratic fashion. But for the life of me I do not really see how Members can object to updating Company Management and Company legislation. This is about as minimum a step as I have ever seen come to this House. I mean our livelihood, of this island depends on keeping competitive with people around us. Everyone of you are in business, and you know you must keep competitive with the people competing within your business. And I find this really amazing that a step forward as non-controversial as this is that there are people here who actually think that we must just push the country backwards all the time.

I do not understand how one can interpret Standing Order 60 (1) in any way that this way it is written, and it is written absolutely clear.

HON. THOMAS H. DUCKWORTH (CONTINUING): There is no way to take that and use it to say that you cannot go through this process. In fact the Members on the other side have constantly said that they want to be in on things, they want the right to have input in things, yet when it does not right them politically they are then prepared to turn around and make decisions which are not in the interest of this country.

Mr. President, I really am amazed. You know, I am speaking honestly and hopefully fearlessly that it is time in the interest of this country that those steps are being taken which will help us to compete with other financial industries in other countries that we must make those steps. I think that the time has now come for you to sort out between what is political and what is progress, because this country is not going to get ahead on the basis of politics. Progress must come from supporting measures such as this to advance it.

I do not want to get any further into legal argument which seems to have ignored up as a result my quoting the Standing Orders and the Constitution. But I can see no reason whatsoever in the interest of progress within this country how anyone could vote against a resolution like this. I would hope that some Members have some sort of explanation on behalf of those who voted against this company legislation, because that has to be a step backwards as far as this country goes, which relies so heavily on the financial industry for literally everything, economically within the Cayman Islands.

Like I began, Sammy said that the greatest part of progress is a desire to progress. And I would hope that this House would at least have that. Thank you.

HON. CHARLES KIRKCONNELL: Mr. President, as I listened to the Second Elected Member contributing to on this side of the House, I believe he completely misunderstood what we have been asking, or putting forward to this House. We are saying that the children must come first; the egg second.

It has been proposed here we have in a select committee and we have for persons. Our suggestion has been that we have a law, a skeleton law, be it good, be it bad. Put it out and ask the financial community who deal with these problems with the companies from day to day, because Mr. President, I am one of the Legislators here but we are more or less completely ignorant of the functioning and what is required in a companies law and what is required in Companies Management. I am saying Sir, that we should get the input from these people and then sit down in a committee and consider the necessary legislation.

The Member who just said that it is a retrograde step, I cannot agree with that. I think if he would inform a bit, the present Education Bill which has just become law, to now he was put this out to the public and asked for their comments and input. I think then we have put before this House a very comprehensive and satisfactory Education Bill. Similarly with our Insurance Bill. That was knocked around Sir, for months and months. It was sent from one place to the other, from one company to another, from one lawyer to another, until we were absolutely sure that we had all the snags ironed out of our Insurance Bill. Then it became law.

Today the Cayman Islands has one of the best insurance laws in the world. It has been continued by people in that business. We are not saying and saying that it is not time to amend the Companies Law or prepare the Companies Management Law. We are saying, let us get some input from the people who know, draft a bill and then put it into law. Thank you, Sir.

MR. ROGER SOLOMON: Mr. Speaker, I know that we have passed Government Motion Number 6 and that we are not dealing with that at the present stage, but since they seem to be inter-related and as a result of what the Second Elected Member from Georgetown has said I would like to make clear, my position in voting against this Motion. It is not for one minute that I, or I do not think any other Member of this House would be under the impression that it is not time to update our Companies Law and its importance would never be over emphasized.

I feel that on regarde Government Motion Number 7 in relation to Corporate Management, I am sure the Honourable Financial Secretary in all good faith brought these before this House because he felt that the time had come to do something about this. I support these in the view that the time has come too, to do something about updating on these two areas, but I supported the view that in accordance with Standing Order 69 that the Select Committee is a result of a Bill that had first been brought and placed before this House. That is my position in this matter. I feel that once a Bill has been brought before this House, in the usual manner and procedure then the Select Committee to the result of that, and I will be happy to serve as a Member of that Select Committee when this procedure is followed. Thank you.

MR. SPEAKER: I think the time is nearly coming to an end and needs changing and it may anyway be a convenient moment to suspend proceedings for about 15 minutes. I will accordingly do so.

HOUSE SUSPENDED

HOUSE RESUMED

MR. SPEAKER: Please be seated. Government Motion Number 7. Debate is resumed.

HON. ULRIC FORDE: Mr. Speaker, I do not want to prolong any argument Sir, I think that I must add my two little bits on this one. First of all regarding Standing Order 69 I think the Member should read on a little further, rather than stopping at the word Bill, the second line refers to Part IV of the Constitution. That particular part of the Constitution deals with Bills and Committees and everything as well. I think that we are in the right building with it in this matter.

To enlighten Members a little more, I think it was the full intention of the Government to handle these two motions this way was simply to give all the Members of the Assembly an input into the Bills to be drafted. In our dealings with these from day to day especially we get letters and various complaints about certain parts of the thing, and we should do this and we should do that. A lot of these have come to light, and it is my thought that these would be brought to the Committee and put together and eventually formulate a Bill which will come to the House and has to go through the full three readings. I see absolutely nothing wrong with this procedure at all. I, personally knowing that it was with the base of intentions for Members to have an input in the whole thing, everybody should accept the method without any question whatsoever.

HON. C. RAIS KHANNA: Mr. Speaker, the motion is seeking the setting up of a Select Committee to deal with the matter of Companies Law. There seemed at one time to be some confusion as to whether a Select Committee can deal with the drafting of the Bill. If I understood the Mover correctly, he believes that Standing Order 69 seems to require that a draft Bill must be made available so that the committee can function. Certainly I too would be of this opinion if I only read the first half of Standing Order 69. Standing Order 69 says, in the first half, "The House may appoint any of its Members to be Members of a Select Committee to consider and report on a Bill."

HON. G. HALF DOZEN (CONTINUING): Anyone reading that would be of the opinion that there must be a draft Bill for the select committee to deal with. However he does not stop there. It says, "or", not "and" but "or", "or otherwise to assist it," that is meaning the House, otherwise to assist the House in scrutinizing its functions under Part IV of the constitution which is the part that deals with legislation in the House. So a select committee can be used to assist the draftsmen in preparing Bills of a technical nature.

Select Committees have been used in this fashion ever since the coming into effect of this Constitution. Only quite recently a select committee carried out a similar function. The original Motion came to the House by a private Member's Motion, which had to do with the dress code.

The length of a ladies skirt, which was the subject of this Committee's deliberation is important and interesting, but the functions of Management Companies and the operation of the Companies Law, while not as interesting, are also important and vital to the economy of these Islands. So the select committee has the right to deal with matters of this nature.

You will recall that the outcome of the select committee on the Dress Code was the same as the outcome which we sought in this resolution. The report from the Select Committee on the Dress Code did not bring about legislation. It brought about a dress code and went on to make recommendations for other matters which might be put out in a brochure, to be handed to visitors.

This resolution does not specifically seek legislation, it simply asks that the select committee make recommendations as to whether any legislation is necessary, or desirable to control and regulate such activities, and if it is so considered to make recommendations as to what forms of control and regulation are appropriated.

So it is my argument that this Motion if carried will give the Select Committee the power to make a report on whether legislation is necessary or not. Of course, if the decision is that legislation is necessary then the Committee can make recommendations as to what forms of control are necessary.

The manner in which this is being done is far more, in my opinion, democratic than presenting a draft Bill and then sending that draft Bill to a select committee afterwards, because in the system before we the technical people involved, the bankers, the lawyers, the accountants, the company secretaries will be able to make their input known to the Members of the Select Committee before the Bill is drafted. Then when the Bill is drafted it can go to the House and be dealt with. If it were done the other way, if the Bill came to the House first, then went to the Select Committee afterwards, and the Select Committee heard evidence from the technical people that evidence would not be made available to the public, because our Standing Orders say that the deliberations of the Select Committee are secret until the report is made at the next sitting of the Legislative Assembly. So the method adopted here is the far more democratic manner of handling this subject than if it were done in the manner which of first having a draft Bill.

Here we are dealing with a subject which I understand has not many precedents. It is a new matter which arises and I believe a Select Committee is the best way to deal with this important subject so that there can be discussion, there can be an examination of different alternatives. This Motion cannot be successfully opposed because it is a sensible Motion. It is not the only method of dealing with a novel bit of legislation, but in my opinion it is certainly the best method and the one that should be adopted by this House.

HON. PRESIDENT: Unless any other Honourable Member wishes to speak, I will invite the mover of the motion to exercise his right of reply if he wishes.

HON. J.C. JEFFERSON: Mr. President, just a few remarks. I thank Members for their comments. I think the Motion before us is one worthy of our favourable consideration, and I leave it to the Members' consciences, Mr. President.

MR. PRESIDENT: The question before the House is that Government Motion Number 7 providing for the appointment of a select committee to consider the question of Caymanian Management, the committee to comprise of all Members of the Assembly be carried.

Will those in favour please say aye, those against no. The ayes have it.

MOTION PASSED

MR. PRESIDENT: There remains the question both in respect of this Motion and the earlier Motion, Motion Number 6 of the possible appointment of a chairman of the select committee. I have no idea that accommodation has been reached between some of the Official Members.

HON. C.C. JEFFRAMS: Yes, Mr. President, there is an accommodation. We are not hard and fast on any item. If you decide to appoint the Second Official Member, as Chairman, I am happy, or plus three.

MR. PRESIDENT: Since in both cases there is a question of possible legislation and since it has become the practice in such cases to point the finger at the Second Official Member, I will, if I may appoint him as chairman both of the select committees.

GOVERNMENT MOTION NO. 5
LIQUOR LICENSING BOARD

HON. T. ELIC BODDEN: Mr. President, I move Government Motion Number 5 which comes in the name of the Third Elected Member of Executive Council. "Whereas it is and necessary for appointments to be made to the Liquor Licensing Boards of Grand Cayman and the Lesser Islands for the year 1964". Be it resolved that the following persons be nominated by the Legislative Assembly for the Liquor Licensing Board of Grand Cayman:-
Mr. Craddock Manuel
Mr. Carston Smith
Mr. W. Norman Tibbetts
For the Liquor Licensing Board of the Lesser Islands:-
Capt. Charles D. McKeown II
Capt. Dudley Ritch

MR. PRESIDENT. The Motion before the House is that Government Motion Number 5 dealing with the membership of Liquor Licensing Boards of Grand Cayman and the Lesser Islands for the year 1964 be passed.

The Motion is now open for debate. If no Honourable Member wishes to speak, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

MOTION PASSED

GOVERNMENT MOTION NO. 8
CARIBBEAN DEVELOPMENT BANK

HON. W.A. JEFFERSON: Mr. President, I move Government Motion No. 8 dealing with the Caribbean Development Bank. It reads, "Whereas Caribbean Development Bank is authorized, the Bank, advise that by Resolution No. 6 of 1963, the Board of Governors approved on the 17th May, 1963 an increase in the authorized share capital of the Bank of U.S. $10,000,000 representing 4,667 shares of U.S. $2,000 each, and which shares are being

HON. T.C. JEFFERSON (CONTINUING): divided proportionately among the Bank's Regional members. And whereas the allocation to the Cayman Islands consists of three shares divided into two callable shares and one paid up share. And whereas it is proposed that the one paid up share which values U.S.$5,000 or CI$4,167.50 should be taken and paid by the Government of the Cayman Islands in five equal annual instalments. The first instalments of U.S.$1,000 or C.I.$1,070.82 will be due on the 1st of January, 1984, and thereafter the remaining four instalments will be payable in each succeeding year, not later than the anniversary of the first payment.

Be it resolved that the Government of the Cayman Islands exercise the right to subscribe to the three callable and paid up shares of the capital shares of the Bank, and that the Financial Secretary be and is hereby authorised to pay to the Bank out of the General Reserve a sum not exceeding U.S.$15,000 or C.I.$12,562.50 in respect of that proportion of one paid up share in five equal instalments. The first payment of C.I.$1,010.25 to be paid on the 1st of January, 1984.

MR. PRESIDENT: The Motion before the House is Government Motion No. 9 relating to the subscription and payment for Caribbean Development Bank Shares.

Does any Honourable Member wish to speak?

MR. BENSON O. BROWN: Yes, Mr. President, unless my eyes are playing tricks on me, I assure you I am not playing politics, I cannot reconcile the figures in this Motion. We are being asked to provide funds for one paid up share of U.S.$5,000 in five equal instalments, and I assume to be that these figures are somewhat wrong here. I do not know if there is an explanation here, because of notes or anything, but because of the conversions given, they do not look to tally out to me.

MR. PRESIDENT: Does any other Honourable Member wish to speak? Does the House wish to accommodate him right of reply?

HON. T.C. JEFFERSON: Yes, Mr. President. I do apologise for one. I think there is an error as the Honourable Member from West Bay points out. I think the payment should be C.I.$1,010.42 each year for five years, which would give a total of C.I.$5,052.10.

MR. PRESIDENT: Is that C.I. Dollars or U.S. Dollars?

HON. T.C. JEFFERSON: C.I. Dollars, Mr. President.

MR. PRESIDENT: I am a little puzzled now, because paid up shares value at U.S.$5,000.

MR. BENSON O. BROWN: In the third paragraph it says that C.I. Dollars equivalent is U.S.$4,187.50.

MR. PRESIDENT: Might it be helpful to the House if we adjourn for the day to give him time to check the figures? Then we could immediately put the Motion back for passing on Government's Motion figure and if it should turn out that the figures did need any revision.....

HON. T.C. JEFFERSON: Yes, Mr. President, in the circumstances I would appreciate that.

MR. PRESIDENT: I think that would be the best. We obviously want to get the figures correct, and it does seem to be some possible confusion about them.....

HON. H.W. FOSTER: Just one point, Sir, before I move the adjournment, I think we should set the quorum of the two Select Committees and I recommend 7 as we do for the House, because we probably need to state it.

MR. PRESIDENT: As to guidance, I cannot remember. Has it been the practice that I set the quorum, or that the House itself sets the quorum or, that the Committee sets the quorum.

HON. MICHAEL DIAKLEY. I think Mr. President, Sir, that it has been the occasion on at least once in my memory that the House has set the quorum. There is a slight anomaly in that Standing Order 70, Sub-Order 2, mentions in ascertaining whether there is a quorum present the Member in the Chair should not be excluded but there is no provision in Standing Orders what the quorum of a Select Committee shall be. From that I interpret that it would be the House itself would set the quorum.

I have taken it administratively that when the House has been silent, where it is a committee of all the Members that the quorum should be that required for a Session of the house which is seven.

MR. PRESIDENT: If that would command itself to Members, I think that is a reasonable solution. Yes, I think the quorum we take it is seven. Perhaps it might be helpful if I mentioned there are four more Bills that should be ready to be taken tomorrow. There are a couple which have not yet been published, which we might not be deal with until we have taken the Appropriation Bill, and we did agree that the Committee the Appropriation Bill, Budget Speech would not take place until Wednesday.

That means that tomorrow we can deal with the third reading of the bills taken today. We can finish off the Motion which is under debate at the moment and we can probably, I hope take the first and second readings and perhaps committee stages of, I think it is four other Bills, all of which are consequential on the Budget Speech.

Now perhaps the adjournment.

ADJOURNMENT

HON. H.W. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m. tomorrow morning, Sir.

MR. PRESIDENT: The Motion is that this House do now adjourn until 10:00 a.m. tomorrow morning. If there is no debate, I will put the question. Will those in favour please say aye, those against no. The ayes have it.

AT 6:20 P.M. HOUSE ADJOURNED
UNTIL 10:00 A.M. TUESDAY, 19TH AT 10:00A.M.

BUDGET SESSION AND
FOURTH MEETING OF THE (1982) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
FRIDAY, 22ND NOVEMBER, 1982

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON DENNIS D FOSTER, OBE,JP,A	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J WHEATLEY	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERISS	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN D McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON THERALD M BODDEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M HODDER	MEMBER RESPONSIBLE FOR COMMUNITY AFFAIRS AND TRADE
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CAMPTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D HAROLD EBANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR PERSON O EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MRS ANITA MILDRED BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE SISTER ISLANDS ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MANDY S KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CHADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

THIRD DAY

TUESDAY, 22nd NOVEMBER, 1983 - 10 a.m.

1. GOVERNMENT BUSINESS: - BILLS -

(a) The Penal Code (Amendment) Bill, 1983 - THIRD READING
(b) The Criminal Procedure Code (Amendment) Bill, 1983 - THIRD READING
(c) The Plants (Regulation of Importation and Exportation) Bill, 1983 - THIRD READING
(d) The Pensions (Amendment) Bill, 1983 - THIRD READING
(e) The Probate of Deeds (Amendment) Bill, 1983 - THIRD READING

(a) The Banks and Trust Companies Regulation (Amendment) Bills, 1983 - FIRST AND SECOND READINGS

(b) The Legal Practitioners (Amendment) Bill, 1983 - FIRST AND SECOND READINGS

(c) The Companies (Amendment) Bill, 1983 - FIRST AND SECOND READINGS

COMMITTEE THEREON AND REPORTS

GOVERNMENT MOTION:-

NO.5 Caribbean Development Bank - (Continuation of Debate thereon)

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THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1982

FIRST READING

CLERK: The Banks and Trust Companies Regulation (Amendment) Bill, 1982.

MR. PRESIDENT: The bill entitled A Bill for a Law to amend The Banks and Trust Companies Regulation Law Revised be deemed to have been read a first time and to be set down for a second reading.

CLERK: The Banks and Trust Companies Regulation (Amendment) Bill, 1982.

HON. T.C. JEFFERSON: Mr. President, I 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 the bill as earlier indicated in the Budget Address, Mr. President, is to increase Class (A) - Banking and Trust licence to $25,000, and Class (B) licence to $5,000.

In examining the position as to the quantum to be charged in this instance, Mr. President, much caution was taken to ensure that the competitive edge which the Cayman Islands have in this area should not be diminished in any way and the proposals, Mr. President, still leaves the Cayman Islands in a very attractive position.

Members will recall, during the Budget Address we spoke of a number of amendments to this Law, that is The Banks and Trust Companies Regulation Law with regard to fees, and that back in 1970, four years after the Law was, into effect we instituted the annual charge of $500.00. Those fees were increased in 1973, 1975, 1977 and in 1980 when the fees reached $20,000 for a Class (A) Bank, and $1,000 for a Class (B) unrestricted licence. These proposals should cause no great difficulty to the respected Banks and Trust Companies, Mr. President, and I recommend it to the Honourable Members.

MR. PRESIDENT: The question is that a bill entitled a Bill for a Law to amend The Banks and Trust Companies Regulation Law Revised, be given a second reading. The motion is open for debate.

If no Honourable Member wishes to speak I will put the question. The question is again that a Bill entitled A Bill for a Law amend The Banks and Trust Companies Regulation Law Revised be given a second reading. 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: The Bill entitled a Bill for a Law to amend the Legal Practitioners Law 1969 be deemed to have been read a first time and be set down for a second reading.

CLERK: The Legal Practitioners (Amendment) Bill, 1982.

HON. RICHARD J. HEADLEY: Mr. President, Sir, I beg to move the second reading of a bill shortly entitled The Legal Practitioners (Amendment) Law, 1982.

Mr. President, Sir, amidst carnage of measures such as the Legal Practitioners Law and amendments thereto are within my portfolio responsibility, the measure that I am introducing has already been announced by my Honourable colleague, The Third Official Member in his Budget Address to this House.

HON. MICHAEL BRADLEY (CONTINUING): Very briefly the situation is that we are proposing in this Bill to increase the admission general and limited admission fees and the annual fee which legal practitioners have to pay to qualify and practice in these Islands.

Mr. President, Sir, the law as it present stands, recites that in relation to a general admission, which is the admission to appear before and practice in all respects in the Cayman Islands, the fee is presently stated as $50. or the equivalent in the transformation of that to $100.. and in relation to limited admission, which as Members know under Section 4 of the principal law admission by a person who is not on the roll here for a particular case or a particular purpose, or to deal with a particular matter, that fee is stated and has been in the law since 1969 as £5 or $10. These fees have remained unaltered since 1969 and it is now proposed that in relation to both general and limited admission, that the fee should be raised to $300. As well as an admission fee for each year thereafter that a legal practitioner wishes to have a practising certificate in these Islands, there is a fee payable on or before the 3rd of January in each year. The fee has been CI.$50. since 1972, it is now proposed to increase this annual fee from that level of $50. (which has been in force for 11 years) to a new level of $300. These measures are I suggest fair and reasonable and in line with the increase in inflation and the cost of living in these Islands, I would commend this measure to the Members of this Honourable Assembly.

Thank you.

MR. PRESIDENT: The question 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. EBANKS: Mr. President, just to ask the Member piloting the Bill if he could explain in his winding-up why the lawyers seem to be getting off so lightly as compared to the fees proposed for other categories of managerial and professional people in the budget.

HON. TRUMAN M. BODDEN: Mr. President, it is a fact of life that attorneys have since 1969 paid a fee, whether it is to be regarded as a professional one, or one which is customary of which it is both, I guess, And what is being imposed under the Trade and Business Licensing Law is of the same amount as this amount in the amendment which is $300. Each professional will pay that for each professional in the firm, because since 1969 we have continued paying statutory fees on behalf of the professionals. Must I do find interesting, Mr. President, is that as more and more people call themselves professionals I am wondering whether they are really prepared to come under the ambit of professionals within the true sense of the words and business licensing law, as well as the rules of conduct and etiquette which are so prominently enforced against professionals.

In this day and age, we hear many, many people within fields referring to themselves as professionals, and it would be good to see those fields that are moving to professions begin to adopt rules of conduct and etiquette similar to what the bar has had for the past four or five hundred years. That, plus the burden of taxation that has been on us for a long time because of the belief that every professional must be a millionaire.

But, I believe we should contribute our fair share, and as an attorney, I am very happy to pay that substantial amount for my firm, which I have been paying all along - for the last 12 years. And I think that we should widen the scope of this to the other professions, whether it be the professions of quantity or the traditionals professions. But it is all the same, and I can assure the Member that there is no difference in this $300. amount per professional within the firm. I support it fully, Sir, I feel we should contribute to the Government, and

HON. TRUMAN M. BODDEN (CONTINUING): I must say the legal profession has been perhaps the one outstanding profession that has contributed to training in this country, because the law society has trained more and is now articling more than any other profession has done in this country, and it has phenomenal training at a very young age. Believe me, I paid a lot more than $250 per annum for the training when we sent lawyers abroad, and I am paying a lot more now for giving a half day to the article clerks. Plus really for five years, each of those will really contribute very little to the firm.

But it is the duty of professionals to the society in Cayman, and I am very happy to have that burden on me. And I am really asking other professionals if they can endeavour to do the same; which some of them are doing, but not to the extent that the attorneys have done.

I think that we have eight articles altogether, more than that now, because this year do tricks, must be about eleven or twelve, out of a profession of about forty five practising attorneys. So when you look at it, if each profession contributed that as well as their $300, we would very shortly have a lot of Caymanians trained within these professions. Looking at it another way, Government would have a lot more money.

MR. PRESIDENT: If no other Honourable Member wishes to speak I will invite the proposer to exercise his right.

HON. MILTON A. ANGLIN: Thank you, Mr. President, Sir. I am delighted to know that the Honourable Third Elected Member for West Bay is not tired of hearing me speak on this assembly, and has invited me to speak again in reply.

Could I say, Mr. President, Sir, very briefly, in relation to the matters raised by him, that I do not consider that legal practitioners are getting off lightly. If you analyse the changes in the law that are proposed, the general admission fee is increased to $750 its former level, the limited admission fee to $900 its former level and the annual fee to $600 its former level, which if you average the three fees out, is an average of 1,300% their former level, which means you can prove anything with statistics. But more seriously, Mr. President, Sir, I would point out that the fee of $300 as the annual fee, is as my Honourable colleague, the Second Elected Member for East has pointed out, analogous to the fee under the Trade and Business Licences for other professionals. I think that the fees are increased substantially. I feel that the legal profession should pay its share in this community, but I feel that the fees for the legal profession should be on a par with some of others. Thank you.

MR. PRESIDENT: The question is that a bill entitled a Bill for a Law to amend the Legal Practitioners Law 1969 be given a second reading. All those in favour please say aye, those against no, the ayes have it.

THE COMPANIES (AMENDMENT) BILL, 1983

FIRST READING

CLERK: The Companies (Amendment) Bill, 1983.

MR PRESIDENT: The Bill entitled a Bill for a Law to amend the Companies Law be deemed to have been read a first time and be set down for second reading.

CLERK: The Companies (Amendment) Bill, 1983.

HON. T. G. JEFFERSON: Mr. President, I move the second reading of a Bill entitled a Bill for a Law to amend the Companies Law, Chapter 22.

The objective of the Bill, Mr. President, is to remove a company, or to disallow a company which in its articles of association can issue bearer shares from holding land.

It is a method, Mr. President, that could be used which would allow the owners of the company or the owners of the bearer shares to avoid paying stamp duty under the Stamp Duty Law. The amendment also tends to give the Registrar of Companies some power to deal with any company that is found to own land, and which also has the power to issue bearer shares or certificates.

So, Mr. President, the objective of the amendment is mainly to close a possible loop-hole which could result in the loss of revenue to this Government. And I recommend it to Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled a Bill for a Law to amend the Companies Law be given a second reading. The motion is open for debate.

If no Honourable Member wishes to speak I will put the question that a Bill entitled a Bill for a Law to amend the Companies Law be given a second reading. Will those in favour please say aye, those against no, the ayes have it.

HON. MICHAEL J. PHARLEY: Mr. President, Sir, could I, perhaps on a point order raise one very technical point.

For some reason it appears that the memorandum of Objects and Reasons does not appear on the printed copy in the gazette. The Standing Order 46 (1) says that the Clerk should cause the text thereof and the explanatory memorandum to be published as soon as possible. I do not know whether you, Sir, feel that we need for the purposes of making quite sure that we have complied with all the provisions to suspend Standing Order 46(1) for this purpose.

MR. PRESIDENT: I suppose it may be an abundance of caution as well to do so, in case anyone should later take exception.

I had noticed that it did not appear, I think that it did appear in the original version that was sent around typed to Members.

HON. MICHAEL J. PHARLEY: Yes Sir. It appears in the typed version sent to Members, but the Standing Order specifically refers to the memorandum.

MR. PRESIDENT: I wonder, would you to move the suspension of Standing Orders, for this precise..... I think that we would need a motion that notwithstanding the printing error as a result of which the memorandum failed to appear in the printed copy of the Bill, and not withstanding the consequential breach of Standing Order 46(1), in accordance with Standing Order 82, Standing Order 46(1) should be suspended in relation to this Bill.

HON. MICHAEL J. PHARLEY: Yes Sir.

MR. PRESIDENT: If you care to move that motion, I will invite any Member who.....

HON. MICHAEL J. PHARLEY: Mr. President, Sir, I beg to move that for the purposes of the Companies (Amendment) Law, 1993, that in accordance with Standing Order 82, that Standing Order 46(1) be suspended.

MR. PRESIDENT: The question is that in relation to a Bill for a Law to amend the Companies Law which has just had its second reading, and in accordance with Standing Order 84, Standing Order 49(1) should be suspended to the extent that in relation to this particular bill the absence of an explanatory memorandum in the printed copy should not be an impediment to our consideration of the bill.

Does any honourable Member to speak? If not I will put the question. Will those in favour please say aye, those against nay, the ayes have it.

STANDING ORDER 49(1) SUSPENDED.

MR. PRESIDENT: In the circumstances, I think we can properly now go into Committee to study a bill entitled a Bill for a Law to amend the Banks and Trust Companies Regulation Law, and the other bills with second readings, we have dealt with already this morning.

The House will now therefore go into Committee.

COMMITTEE THEREON

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1989

MR. CHAIRMAN: The House is now in Committee. A Bill for a Law to amend the Banks and Trust Companies Regulation Law Revised.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 4.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE BANKS AND TRUST COMPANIES REGULATION LAW REVISED.

QUESTION PUT: AGREED. TITLE WAS PASSED.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1989

MR. CHAIRMAN: A Bill for a Law to amend the Legal Practitioners Law, 1969.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECOND SCHEDULE OF LAW 9 OF 1969.

QUESTION PUT: AGREED. CLAUSE 2 WAS PASSED.

CLERK: CLAUSE 3. AMENDMENT OF THIRD SCHEDULE.

QUESTION PUT: AGREED. CLAUSE 3 WAS PASSED.

CLERK: A LAW TO AMEND THE LEGAL PRACTITIONERS LAW, 1969.

QUESTION PUT: AGREED. TITLE WAS PASSED.

THE COMPANIES (AMENDMENT) BILL, 1924

MR. CHAIRMAN: A Bill for an Act to amend the Companies Acts.

CLERK: CLAUSE 1. SHORT TITLE AND DATE OF COMMENCEMENT.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in accordance with Standing Order 122(2), I beg that leave of the chair be given in order that I move an amendment of which notice has not been given.

MR. CHAIRMAN: Leave granted.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, thank you. I beg to move that Clause 1 be amended by the deletion of the words "this day of _____" and the substitution therefore of the words "first day of January,".

MR. CHAIRMAN: That is really filling the two blanks with "first" and "January".

MR. BENSON C. EVANS: Mr. Chairman, I thought in the..... what he removed, removed 1924 now.

MR. CHAIRMAN: No, well I do not think that that was intended.

MR. BENSON C. EVANS: No, I know it now not, so I am just wondering.

HON. MICHAEL J. BRADLEY: I do not think, Sir, perhaps the Clerk could confirm.....

MR. CHAIRMAN: I think he said "delete the _____ day of _____" and insert "the first day of January",. Which really amounts to I said so filling the first gap, with the word "first" or the figure "1st" as the case, I think, and the second gap with the word "January" and a comma". So, does anybody wish to speak to the amendment? If not I will put the question that the clause be amended as proposed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: The question now is that Clause 1, as amended should stand part of the Bill.

CAPT. MAJOR KIRKCONNELL: Mr. Chairman, would the marginal note have to be amended?

MR. CHAIRMAN: Well, if we were going to be consistent, I see both of the other bills have not a date of commencement, and the marginal note just says Short Title, but I would think that it is a matter of taste, because it does actually deal with the date of commencement. So there should be nothing wrong with the marginal note.

HON. MICHAEL J. BRADLEY: I think, Mr. Chairman, Sir, the short answer is that if there is a commencement date specifically mentioned in it, that the marginal note should in fact mention the date of commencement. However, I am not think my Honourable colleague would trouble the House to ask to re-commit the other Bills just for that purpose. A margin note is strictly speaking, not part of the Law, but is purely for information. I think that it should stay in this one, Sir, as the short answer.

MR. CHAIRMAN: So the question was to, that Clause 1 as amended do stand part of the Bill. I will put the question.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED WAS PASSED.

CLERK: CLAUSE 2 AMENDMENT OF SECTION 26 OF CHAPTER 82.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3 INSERTION OF NEW SECTION 80(A).

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE COMPANIES LAW CHAPTER 82.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled a Bill for a Law to amend the Banks and Trust Companies Regulation Law, and other matters.

The House will resume.

HOUSE RESUMED

PREVIOUS THANEOF

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1983

HON. T.C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend the Banks and Trust Companies Regulation Revised, was considered by a Committee of the Whole House, and passed without amendment.

Mr. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1983

HON. MICHAEL F. BRADLEY: Mr. President, Sir, I beg to report that a Bill shortly entitled The Legal Practitioners (Amendment) Law, 1983, has been considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE COMPANIES (AMENDMENT) BILL, 1983

HON. T.C. JEFFERSON: Mr. President, I have to report that a Bill entitled a Bill for a Law to amend The Companies Law was considered by a Committee of the Whole House, and passed with one amendment, which was the Commencement Date of the Law. "First of January, 1984"

MR. CHAIRMAN: The Bill is accordingly set down for Third Reading.

That concludes the Committee on Report Stage. The next item on our Order paper is the resumption of Debate on Government Motion Number 8. And with the leave of the House, I will, if I may, invite the mover of that Motion to explain to the House the findings of the Committee he was to make as a result of points raised when the motion was debated yesterday.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO.9 CARIBBEAN DEVELOPMENT BANK

CONTINUATION OF DEBATE

HON. T.C. JEFFERSON: Thank you, Mr. President. To elucidate on Government Motion No. 9, the Board of Governors of Caribbean Development Bank acting in accordance with the agreement establishing the bank, laid down certain conditions for the admission of new members to the Bank, including the condition that Commonwealth Caribbean Members should always have a majority of the voting power in the Bank, and a majority of the number of directors.

At the time of informing Cayman on the subscription of shares, there was an application for admission to membership of the Bank, and in order to facilitate such admission in accordance with the above mentioned condition, it is necessary to increase the subscribed capital stock of that Bank. The subscription price per share is U.S.$5,000 based on the 1969 weights and fineness. Fifty per cent payment is required in U.S. dollars under paragraph 2(a) of the Article 7 of the agreement establishing the bank. Fifty per cent in local currency is required under paragraph 2(b) of the Article 7 of the agreement establishing the Bank.

A schedule of payments on the one paid up share indicates that 20% of the $5,000 is to be paid during the years 1972 to 1976. As previously mentioned, under paragraph 2(a) Fifty per cent is to be paid in U.S. Dollars, this amounts to $608.16. Under paragraph 2(b) Fifty per cent is to be paid in local currency, that amount to Cayman Islands dollars $502.23. When we convert this, Mr. President, to the U.S. equivalent, we arrive at $608.16. And if we add the two figures together we get the payment due in January 1971 of $1,206.85 U.S.

The object of the Motion was to authorise the Financial Secretary to pay to the Bank a sum of money which would represent the one paid-up share, and the two callable shares. It is not certain when the Bank will call on the Cayman Islands to pay for the two callable shares. The subscription price, as I indicated earlier is U.S. $5,000 based on the 1969 weights and fineness which places the present market value of the one paid-up share at U.S$6,021.74 payable in five equal instalments of U.S.$1205.35 each or $1,910.83 C.I.

Government Motion No. 9, should therefore read, Mr. President:-

GOVERNMENT MOTION NO.9 - CARIBBEAN DEVELOPMENT BANK

WHEREAS Caribbean Development Bank, (hereafter (the Bank) obtained that by Resolution No. 6of 1970 the Board of Governors approved on the 11th of May, 1970 an increase in the Authorised Capital Stock of the Bank of U.S.$20,000,000 representing 4,367 shares of U.S.$5,000 each and which shares are being divided proportionately among the bank's regional members;

AND WHEREAS the allocation to the Cayman Islands consists of 3 shares divided into 1 callable shares and 1 paid-up share;

AND WHEREAS it is proposed that the one (1) paid-up share which value is U.S.$6,021.74 or C.I.$6,021.69 should be taken and paid by the Government of the Cayman Islands in five equal annual instalments, the first instalment of U.S.$1,204.35 or C.I.$1,020.33 will be due on the 31st January, 1971 and thereafter the succeeding four instalment would be payable in each succeeding year not later than the anniversary of the first instalment.

BE IT RESOLVED that the Government of the Cayman Islands exercise its rights to subscribe to the three (3) callable and paid-up shares of the Capital Stock of the Bank and that the Financial Secretary be and is hereby authorised to pay to the Bank out of the General Revenue a sum not exceeding U.S.$9,261.74 or C.I.$5,052 in respect of that portion of one (1) paid up share in five equal instalments, the first payment of C.I.$1,010.35 to be made on the 31st January, 1964.

HON. T.C. JEFFERSON: Mr. President, I am told by my learned Second Official Member, that is required that we ask for notice to waive the wording of the Motion under Standing Order 24(7).

MR. PRESIDENT: I think that it would be the wish of the House that I should agree in accordance with Standing Order 24(7) to allow the mover to vary the terms of the Motion amending it in the way in which he has just read out. In fact it is an amendment to the two or three figures.

I will therefore take it that we are now to debate the amendment to the motion, and the amendment is to the figures in the second line of the third paragraph, and the fourth and fifth lines of the fourth paragraph.

I think that that is right. If I followed it correctly, as you read it out, there were amendments to the two lots of figures in each case.

HON. T.C. JEFFERSON: That is correct, Mr. President.

HON. MICHAEL J. BRADLEY: I rose to be guided, Mr. President. I think that what has been done is that my Honourable colleague, the Third Official Member has given an amended notice of Motion, not an amendment to the previous one. As I understand 24(7) it is an amended notice of motion, and we do not need to go through the procedure of approving the amendments and then approving the substantive motion.

MR. PRESIDENT: Well, I think in that case, it would be proper and for the future to give Members an opportunity to debate the amended notice of motion in the way that they would have had an opportunity to debate an amendment. So that even an Member who has already spoken may, if he wishes speak again. I think that would be fair and proper. So that in that case the amended motion is open for debate if any Honourable Member wishes to speak.

I think, perhaps that there was a general sense, yes, to that Members agreed to the motion, but wanted clarification of the figures that having now been given, I think perhaps I can properly put the motion.

And the question therefore is that the Motion as read earlier this morning by the mover when he gave the amended notice, should now be passed by the House.

QUESTION PUT: AGREED. THE MOTION AS AMENDED PASSED.

MR. PRESIDENT: That, I think, completes the business on our Order Paper for today, and I will invite the First Official Member to move the adjournment until tomorrow.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House until 10 a.m. tomorrow morning, Sir.

MR. PRESIDENT: The motion is that this House do now adjourn until 10:00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 10:50 A.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 25TH NOVEMBER, 1964.

BUDGET SESSION AND
NINTH MEETING OF 2ND (1983) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
WEDNESDAY, 23RD NOVEMBER, 1983

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON DENNIS F POTTER, CVO,CMN,JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J DOHERTY, LLD	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS G JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN D McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON EDWIN M BODDEN	MEMBER RESPONSIBLE 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 J CARSON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D BALMAIN FRANKS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR HANSON O FRANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE 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 MARK P KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRAIGNICK FRANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FOURTH DAY

WEDNESDAY, 23rd NOVEMBER, 1983

10 a.m.

THE APPROPRIATION (1984) BILL, 1983

SECOND READING DEBATE

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WEDNESDAY

23RD NOVEMBER, 1983

10:00 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The second reading debate on the Appropriation (1984) Bill, 1983.

THE APPROPRIATION (1984) BILL, 1983

SECOND READING DEBATE

CAPT. MABRY S. KIRKCONNELL: Mr. President, I would like to compliment the Honourable Third Official Member for the eloquent, comprehensive and enlightening Budget Address which he delivered to this Honourable Legislative Assembly on Friday the 18th of November.

His accurate account of the financial affairs of Government and the state of the economy of the Cayman Islands is greatly appreciated and very encouraging to all. His wise words of warning and advice to all of us on how to continue to build this country must be taken very seriously by all. May I ask that all Caymanians and others residing here put shoulders together and strive to build a better Cayman Islands for all to enjoy.

Financial sector. Banking is one of the most important parts of our financial sector. It is encouraging to note that at the end of 1982 there were 428 banks and trust companies licensed to carry on business here and it is estimated that the figure will increase to 465 by the end of the year 1983. Let us make every effort to maintain our high standard. This will ensure continued growth in this sector.

Agricultural and Development Board. Mr. President, the Agricultural and Development Board is supplying a need that has long been felt in our community. Its loan to small businesses has enabled them to secure funds when not able to get it from the regular commercial lending institutions. It is very encouraging to see that that has increased by 120% over September of 1982. This definitely makes clear the need and desire of our people to return to the agricultural field from whence our forefathers helped build these Islands.

The Cayman Islands Currency Board. Total assets of $12.3 million at 30th September, 1983 by the Currency Board and its contribution of $1.0 of its profits for 1983 to Government general revenue reveal the important part it plays in our economic area.

Companies registration. Companies registration continued to grow and its growth revenue collected during 1983 will be approximately CI$6.5 million. We are greatly pleased that full computerization of the companies register has been achieved which certainly will make this function more efficient.

It is my hope that ship registration will be allowed to continue in the Cayman Islands and that a full port of registry can be established with all the international conventions extended to the Cayman Islands.

Tourism sector. Tourism attracts many people to our shores and is a very important part of our financial sector. Air arrivals have increased by 8.8% and cruise ships by 12.5% over the same period for the year 1982. This being achieved at this time with the depressed conditions in most of the developed countries is very encouraging. I feel it fitting and proper that special recognition should be given to the Department of Tourism and all that have helped to make this increase possible. Again I say it creates employment for many of our

CAPT. MARTY C. KIRKCONNELL (CONTINUING): people and currently generates a lot of revenue.

Agriculture. Government's involvement in agriculture, cattle rustication and seem to be established piggeries to supply good quality of pork to the people of the Cayman Islands, has provided help in a very important sector of our Islands. The Department of Agriculture and its staff must be commended for progress made during the year. The people of Cayman Brac are grateful to the Department for the assistance given to them and it is my hope that in the year to come we may see the institution of a development farm and the upgrading of cattle on our Island as well.

Cayman Airways Limited. I recognize the important part being played by Cayman Airways and particularly to Grand Cayman with the two Boeing 727's. Living on Cayman Brac as I do and having only the Trislander to serve our air needs, makes us more aware of the part that jet services play in a modern society. We welcome the announcement of the introduction of jet service Grand Cayman/Cayman Brac/Miami and return. It is my understanding this will commence 16th December, 1983. Mr. President, I could not speak on Cayman Airways and not recognize the service given to us by the little Trislander. It is true she has a limited seating capacity, but it has served us well over the years and has certainly delivered the passengers. People of Cayman Brac and Little Cayman anxiously await the introduction of jet service.

We realize the jet service will not solve our inter-Island needs completely. Therefore, Mr. President, I would like to suggest that instead of a regular scheduled service between Grand Cayman, Cayman Brac and Little Cayman that the service be established on a shuttle service similar to the British Airways and British Midland service operated in the United Kingdom. This would prevent the computer shutting out many of our citizens returning home and also for our prospective tourists for due to the small and limited seating capacity of the Trislander, when reservations are sought one is told that it is fully booked. If the shuttle service was instituted you would arrive in Grand Cayman and be flown to Cayman Brac on the next flight to Cayman Brac without being burned away by it being fully booked.

Cable and Wireless. We congratulate Cable and Wireless on the inauguration of international direct dialing from Grand Cayman to the rest of the world. Mr. President, my question is when will Cayman Brac and Little Cayman be included in their modern improvements? Modern improvements in Grand Cayman have reduced some rates on Grand Cayman, but this is not so in the smaller Islands. Improvement in telephone and telex services is necessary in Cayman Brac and Little Cayman before we can hope to develop our tourist industry and our business sector further.

Government sector - Internal and National Affairs, Cayman Brac and Little Cayman. Mr. President, 1983 has been a good year for Cayman Brac and Little Cayman when we consider the number of Government projects that have been or are about to be completed. We, the people of Cayman Brac and Little Cayman, are very proud of our new Bodden Administration building, the new Public Works compound complete with offices, stores and workshop facilities, the extension and resurfacing of the Gerrard-Smith Airport, the installation of navigation and runway lights of a very modern type, the construction of a canteen and classrooms at the High School and improvements to our Primary School playground and dock improvement on Little Cayman and Cayman Brac have improved our transportation.

I would like, Mr. President, to congratulate the museum who have instituted the renovation of our old Government Administration Building at Stake Bay to a museum which is now open and will be officially opened early in December. The building itself is a museum piece, having been constructed way back in the early 1910's and

DEPT. MARIE S. KIRKCONNELL (CONTINUING): I am proud that we have had the foresight to reserve this for future generations.

In addition to this there have been many small projects completed in Cayman Brac which has supplied much labour to our people. It regret, Mr. President, that no work has been done on the Bluff Road for several months and it appears no funds will be available in 1982. I appeal to all honourable Members of this House to support labour-intensive projects on Cayman Brac and Little Cayman. This is necessary to employ many men and women who cannot find employment in our small private sector. I fully realise we must economize wherever possible. This was ably expressed by the Honourable Third Official Member. Let us establish our priorities in order that our people can be fully employed.

Mr. President, two very urgent needs of our people are the employment of a second medical doctor to reside on Cayman Brac. Our part-time medical officer was forced to leave Cayman Brac as his private practice with the reduction in the number of ships' crews he had to treat reduced, thereby his ability to continue to live on his subsidy from Government plus the very limited private practice.

Mr. President, there being one doctor in a community, although the population is small, is extremely hard on one doctor. Our doctor has served us well and continues to, but to expect one man to be on call twenty-four hours per day, three hundred and sixty-five days per year, is asking a bit too much I think.

Secondly, Mr. President, I would like to suggest that consideration be given to employing a couple, a man and wife, who could head a recreational programme on a professional manner in Cayman Brac. We have recently funds for playing fields, we have a beautiful Civic Centre, but what we lack is professional leadership. I feel investment in professional leadership to help develop a youth programme will be one of the most beneficial expenditures that we can make in this community.

Revenue and expenditure. Mr. President, in my opinion 1982 has been a successful fiscal year. We have been able to collect revenue and to keep expenditure in line with the budget voted by this Honourable House in November of 1981. This indeed is a great achievement. Many large industrial nations are facing large deficits, mass unemployment and a dim look to economic recovery when we still are point of prosperity.

Customs. The removal of dry cereals from the dutiable list of food items will help reduce the cost of food. I regret duty will be imposed on portable radios of a value exceeding CI$100. Mr. President, I had hoped Government would have removed duty from kerosene. This I have brought to the attention of this Honourable House on many previous occasions, but I would like, sir, just to repeat the need. Kerosene duty is imposed at 40% of the CIF value. We all know the vast escalation in prices of petroleum products since 1974. Gasoline and petrol, and gas oil is taxed on a per gallon basis, therefore the escalation in price has not affected that as it has kerosene. Kerosene is a product that is used by our less fortunate people and although the revenue earned by Government, in my opinion, is very little, it amounts to a large part of their earnings and it would certainly be helpful if this could have been added to the list of duty-free items.

Social Services. It is pleasing to note that poor relief has increased by 45% and that free medical services are now available to citizens when needed. The fact that the number of juveniles appearing before the court to date is 10% less than the same period for 1982 is a mark of progress. The opening of the Frances Golden Girls' Home will reduce the number of juvenile offenders who would have had to have been sent to approved schools overseas.

CAPT. MARY N. RINEHOLDELL (CONTINUING): It will also serve a need that has existed in our community for many years.

Training. Government is to be commended for the Training Schools which have been established, namely, the Hotel Training School, the Marine Training School and the Building and Trade School. These schools are preparing pupils for employment in the three Islands. We have the schooling program which includes students from Cayman Brac High School. The fact that subsistence is paid to these students by Government is a wonderful gesture; it enables young people who are not able to go to school without having some source of earning to pursue a course that can later qualify them to serve the needs of the community.

Water and sewage. The Water Authority is beginning to provide a service of supplying to water to business for resale; a potable water of high quality. The control of the wastage-tion of water will protect our water lens and the treatment of water before it is said to consumers will be a great asset to our health. Sewage collection systems and treatment works when installed will be my opinion be one of the most beneficial projects ever undertaken by our Government to protect the health of our people.

Mr. President, a serious problem exists in Cayman Brac with the great reduction in ship-to-ship transfer operations. This has aleady to a very small volume of through-put. It now appears that most of the transfers will be done near to the United States of America's coast and not in Cayman area. Few ships now call at Cayman Brac and I do not see this increasing any large amount in the years to come.

Cayman Energy has reduced the number of men employed. This has increased the number of persons seeking employment in the private sector and more so by the Public Works Department.

I would repeat that we ask that funds be made available to commence the airport terminal building, parking apron and taxi-way as early as possible in 1966. This is necessary to provide employment and also to increase and improve facilities to handle tourists who will be travelling there on the large 727.

Mr. President, in reviewing the progress and growth of our Islands we must look back only twenty-three years ago, 1960, when our budget was under CI$300,000 and in 1965 a budget of CI$4,000,000. Growth at this rapid pace has been made possible by our stable Government and careful planning. I wish to take this opportunity to thank Almighty God for His divine guidance and to all men and women who have contributed to make the Cayman Islands wonderful Islands and may this prosperity live on.

Mr. President, in conclusion the Appropriation (1966) Bill, 1965 which amounts to an estimated expenditure of $20,209,502 is a large budget for a territory of about 12,000 people. It reflects our high standard of living and development. We must exercise every caution in our spending in order that we may continue to grow.

Mr. President, I support the Appropriation (1966) Bill, 1965 and look forward to dealing with it in Finance Committee.

Thank you, Sir.

MR. W. NORMAN SOPPER: Mr. President, I must take this opportunity to formally congratulate and thank the Honourable Financial Secretary for a clear, concise and comprehensive Budget Address which he delivered to this Honourable House last Friday.

Before going further and examining the revised position for the current year, I must congratulate the Financial Secretary and all Heads of Departments for being able to reduce a deficit which which we started this year by $700,000. I feel that this is

MR. W. NORMAN DODDS (CONTINUING): definitely effective control on finance.

Mr. President, the 1984 budget of C$52.2 million is an impressive figure, but it brings home to us with the stark reality that Government is paying too for the ever increasing cost of rapid development and the high cost of doing business in a sophisticated society. In other words Government, like the householder, is finding it more and more expensive to live here. As our needs and tastes become sophisticated, extra funds must be found to meet expenses. It therefore stands to reason that our revenue earning capabilities must then be able to withstand and respond to these pressures favourably or we will very easily find ourselves in financial difficulties. However, I also share the view that according to our standards we are still in the fortunate position where our sources of revenue can still be tapped without creating hardships and are in fact strong enough to keep us on a sound footing. But here, at this stage, I quote the word 'caution' sounded by the Financial Secretary in his wisdom.

The pillars of our economy, their importance and enormous contribution to the high standard of living which we all enjoy are easily remembered and have been once again clearly outlined for us by the Financial Secretary in his address.

Our financial industry, banking, offshore companies and so on, tourism, real estate and local industries. It is of course also a reality that competition for our type of industries has become very strong and there are many countries today enacting their laws and lifting regulations in order not only to hold what they already have, but also are looking to our direction to attract or recover business that could easily be diverted from this country. It is therefore of vital importance that we remain competitive, not only in the fees we charge these organisations, but also in the conditions under which we provide for them to exist and do business here. Recognising these important factors to a great extent determine the continued economic growth and survival of our country and this should be regarded at every opportunity.

The message I glean from the Budget address is clear and that is that the days of tightening are here. Regardless of views that may differ, very definitely we no longer hear phrases such as "accumulated surpluses being transferred to reserves" nor "balancing of the budget without new or increased taxation". These have in fact become luxuries we longer in right and could be unobtainable in the future.

It must also have continuously before us and never forgotten that policies of a high-handed nature, indeed - one which tends to threaten any of the freedoms we enjoy and the warm political atmosphere in our internal affairs can do this country irreplaceable harm inspite of the stability offered through our Crown Colony status and of which we boast. The industries on which we are so heavily dependent, for instance, are just as fragile and fickle and this is no secret.

In examining some of the areas of local revenue, I was pleased to note the continued healthy position of the Customs Board and its valuable contribution to Government's general revenue. I was also pleased to learn that the companies registrar has been finally computerised which will improve the collection of fees in this department and I am sure that similar improvement will also be realised in all other departments once computer services are introduced to them.

Tourism. In a market which has become extremely competitive, an 0.5% increase compared to a decline of 2% last year is indeed encouraging and speaks well for the management

MR. W. NORMAN SCOTT (CONTINUING): of this department.

As was pointed out, if product quality is in fact maintained in service and accommodation and if our people continue to recognize the importance of tourism to our economy, there is no doubt that favourable results will continue. In this area and perhaps it is due to the attitude of our own people, but it would certainly have been more encouraging to me to have seen more Caymanians involved in the management of hotels, condominiums and restaurants. To my mind, three trainees overseas and eighteen on the job training is a very small percentage for an industry which claims to employ 1,314 Caymanians.

In the private sector, Cable and Wireless has undoubtedly been exemplary in the number of Caymanians that it has trained and placed in managerial positions. Other companies, I am sure, recognize the importance of this policy that it is a two-way street which benefits both employer and employee and these are training programmes available once interest and initiation and interest are shown.

Internal and External Affairs. Mention was made of our Police Department of course, public opinion of the force and investigations which were conducted. I have always endeavoured to support this Department simply because I believe that insofar of any shortcomings, respect for law and order must be maintained or anarchy, as we know it, is threatened. Of course, as in any other organization, there will be those who are no asset to the Department. There is no doubt that there will be incidents which we may have reason to believe, but cannot prove and there will always be room for improvement generally speaking. But let us not allow these things to cloud the true value and the great services being rendered by the dedicated officers of this department to this country, much of which we never know or hear about. It must be remembered that fighting crime is everybody's business.

I am pleased to see that some provisions are being made for extra personnel for the duty squad under New Services as I believe that the presence on the duty roster in this territory must be maintained at all costs.

Prisons. It is again pleasing to note the consideration of this department with Mr. Conolly as the Director. In the building programmes for 1981 I would ask that some improvement be made to the visitors' reception area at Northward Prison. I have observed families and friends visiting in-mates there having to stand outside the building, exposed to sun and rain while they wait their turn to be admitted. Surely some sort of cover could be provided at a very nominal cost. There is enough misery on the faces of these families besides taking them in the noon-day sun.

Of the 68 in-mates mentioned, there at least 50% who are 30 years and under and approximately 41% are there for drug abuse. There can be little doubt, Mr. President, that in this there is a definite message for this country.

Customs. I cannot refrain from making the observation that this department which is expected to handle $19.3 million or 37% of our total local revenue budget with a staff of 34, I think their performance is exemplary to all departments of Government. In my opinion this department is worthy of special mention and I think that it is high time that the staff is provided with decent office accommodation and ancillary services that the pay will not only be bridged, but the Customs and Port Authority building will definitely become a reality in fact.

Health, Education and Social Services. It is pleasing to note, Mr. President, the building extension and

MR. K. WORRELL DODDY (Continued): improvements which have taken place at the hospital in George Town and especially the upgrading of facilities. I have noticed in the Budget that under New Services, funds are being provided for equipment. I trust that this is intended for the acquisition of equipment referred to in the Budget Address which will hopefully reduce the number of overseas referrals which seem to be costing Government a small fortune.

Social Services, Probation and Welfare. Mr. President, again it is encouraging to see that this department, that of Welfare, is being given an increase of $241,000 for 1984 and especially to note that some funds will be earmarked for a multi-purpose programme in Northern Road. However, there are many other areas needing attention, Mr. President, and I for one am not satisfied that enough is really being done to meet our social and welfare needs. The social needs of this country must be addressed in much stronger terms. I am not advocating that we create a welfare state, but that we carefully examine the role of our welfare and social programmes.

The department is doing a good job with limited funds and a small staff, but Government must come forward as it has with all other services to bring about the changes that are necessary. Community participation in a joint effort must be encouraged as lip service is no longer enough. Those in our community, and there are many, who are in a position to do so must also become involved and more aware of the realities of the local situation and put that concern into action. It is my opinion that selfishness and neglect are the breeding grounds for social unrest and if this ever occurs in this country, well, the story is well known.

In the area of sports, the sporting complex has been argued and discussed for a long time now and it is hoped that this will at last become a reality in 1984. This is supposed to meet the sporting needs of our community.

Speaking for George Town, it appears that it would be proper and prudent for land to eventually be acquired in order to provide an extra field for football as will eventually be done for West Bay and also for similar reasons.

Tourism, Aviation and Trade. The new Civil Aviation offices and control tower at Owen Roberts Airport are distinctly impressive and must be a source of encouragement to our Director of Civil Aviation and his staff. In my opinion it is also a credit to the Public Works Department's ability.

Our Film Bureau. I certainly agree that this Department provides an invaluable service to our community. This could never be disputed. It is unfortunate, however, that irresponsible people will make stupid hoax calls which create unnecessary expense and bring unnecessary pressure on an already over-taxed department. Just as we have gotten employment in other areas, I can only look forward to the day when we can afford the equipment necessary to trace these calls and bring the culprits to justice.

The sub-station that has been planned and being built to serve the eastern districts will no doubt prove to be of tremendous benefit and I would also like to see a similar facility eventually provided that would service the Seven-Mile Beach and West Bay areas.

Communications and Works. I shall then but the reconditioning of the Post Office was undoubtedly, in my mind, a good investment. A bit of comfort has been provided and this has improved productivity and I would daresay contributed to the business in sales. This was long overdue as the staff and customers have suffered in the heat there, as the Lady Member would say, for years and years and years. I am happy to see this much needed improvement.

Mr. President, this would perhaps be a

MR. P. WIMMY BOOPH (CONTINUING): appropriate a time as any to mention our George Town Town Hall, once the centre of all social activities in our community. Not too long ago I attended a Liquor Licensing Board Meeting there and I must say that I was shocked and ashamed of the dilapidated conditions that most of the interior of that building is in. To my mind it is an absolute disgrace to the capital of this country and I suggest that some funds can be found to effect repairs where necessary and of course, later on, I would like to see this impressive old landmark air-conditioned as well. It is still used for many functions and should no longer be neglected.

It is pleasing to note the progress made under the Water Authority and particularly the very reasonable price at which water for cattle storage is available and also the contribution that arises from this source will make to Government's revenue earnings.

With regard to road repairs there are many side-roads leading to small neighbourhoods off Walkers Road, the main Bole area off Sussex Avenue which are badly in need of repairs. I would hope that in the coming year, if not earlier, these can receive some attention.

Street lighting in George Town generally speaking needs to be increased for safety and security reasons for the benefit of the general public. And of course regardless of how overcautious an idea it is thought to be, I would repeat the need for sidewalks in the areas where it is still possible to do so without causing substantive destruction, such as the Seven Mile Beach area and Walkers Road.

Now I know, Mr. President, that I will be reminded that all available funds are fully committed to other more essential projects, but I maintain that if priorities are put in order and followed without fear or favour these items annual be looked and funds found to cover some if not all of these needs. In any event, Mr. President, I notice that I have mentioned quite a few, some costly, some not so costly, and I hope too like everything else it will take time and money. I accept these conditions, but I also strongly believe that these needs should form part of our forward planning and should not be ignored nor taken lightly.

The Civil Service. The Civil Service Estimates review seems to account for the major portion of increased administration costs of the various departments and there is no doubt that $12 million is a big slice of the budget. However, I feel that we have many hard-working, highly dedicated Civil Servants who deserve to be paid for a job well done, but I also must agree with the point made by the Honourable Financial Secretary that those who are not performing as they should, must be dealt with in an appropriate manner.

In this area I noted that initiatives were put forward. To me it would be interesting to know of the 1,200 Civil Servants, the number who are on temporary appointment and also the percentage of Caymanians in the Service as new dimensions in attitudes for the private sector.

Mr. President, the Legislative Department was not mentioned previously and I might have to place this item under the heading of miscellaneous, but as an ordinary Member of this Honourable House, I would like to request that some form of office facilities are provided for what I would call the ordinary Elected Members of the Legislative Assembly - in other words, those not in Executive Council. An office where Members of the Legislative Assembly (only) can arrange to receive members of the public who may wish to see their representative for one reason or another, to handle correspondence and other matters related with representation of the people. I am a new Member, but I have found this to be a real need in the past three years and I

Mr. N. NORMAN POTTER (CONTINUED): am sure that other Members would also find the facility useful if it could be arranged.

Finally, Mr. President, our motto reads, "We look forward to upon the seas" and I am certainly glad that these seas where close to the United States of America because there can be no doubt that our close proximity and easy access to our great neighbour to the north has been, and will continue to be the main contributing factor to our continued success. It is good, wise and prudent that we can also attract business from other countries further afield - this is a supplemental benefit in my opinion and I am happy to see this, but while we may not always share all the views of the United States, nor welcome some of their tactics, this is the hand which feeds us, Mr. President.

The coming year, 1984, will probably be a difficult one for a variety of reasons. Financially, although we today project a modest surplus at the end of 1984, in the course of the year if the normal pattern rings through, supplementary expenditure will have to be announced for and as a result we will most likely show a deficit. But regardless of the final outcome I am confident that with the guidance of God, the advice and help of our capable Financial Secretary and finally the determination of our people to do what is right for this country, the necessary steps will be taken to ensure the continued peace, prosperity and success of these beautiful Islands we call home.

Thank you, Mr. President.

MR. PRESIDENT: I am sure most other Members must wish to speak, but if none rise I shall be obliged to call upon the hon. Mover to reply.

MISS ANNIE BULLEN SCOTT: Mr. President, Sir, I had intended not to speak today because my voice is not too strong, but I could never let this occasion pass without having something to say. I thought since honourable gentlemen have been ready to proceed and give me the chance to wait until tomorrow, but I will have to proceed to say the few words I intend to say.

First, Mr. President, I should like to congratulate our Financial Secretary on his commendable speech delivered on Friday. I feel that on a reasonsmen he has done well, but there are some points in his speech which I feel should be elaborated upon. I feel, Mr. President, that we have neglected one of the prime things to thank Almighty God for the blessings which have been bestowed upon us. This year, Sir, we have not even had a breath of a hurricane. We have had wonderful weather, we have had prosperity, we have had everything including a visit from Her Royal Highness and which added, I would say, to all these other blessings which we have received. I feel, Mr. President, that we in this known and the Islands generally should be the most upright, godfearing people in the whole world because we enjoyed blessings and benefits which I do not think any other people can boast of.

Now, Mr. President, as has been rightly said our economy depends on very fragile businesses and we have to make every attempt to see that we do nothing to discourage these businesses. But, on the other hand we should not welcome and accept every Tom, Dick and Harry who might want to do business in our country just because they have some money. We need to screen the people who come here to do business. We do not want it to be said that all the good that has been performed by the legislatures of old has been destroyed by our love for wealth. Mr. President, I have heard it said very often in this Chamber that only a certain group or groups in these late years have performed. I will say without fear of contradiction that every

HON. ANITA BOLDAE DOOLEY (CONTINUING): Legislator who has ever sat in a Meeting of the past has contributed in some manner to the good of these Islands.

From the time I was a teenager I have heard debates have (not in this chamber of course, but in the old Town Hall and sometimes even in the Court House) by people, although ill-educated, with good commonsense and they would get up and argue for the good of the country. They were not bragging about what they could or could not do, they were depending on each other to stay afloat to keep going the good of these Islands.

We have come from rags to riches. Forty-odd years ago what is now termed the Boom Mile Beach was a wilderness nobody had any interest in to and to start off these old-time Legislators very carefully considered leasing Government property and that was the beginning of what we enjoy today. I feel that we, as Legislators, should do no less than to work in harmony with each other to continue our progress.

Mr. President, we in the past could not boast very much of educated people, but there were some who had better opportunities than others and they made good of the opportunity. Now today we have talented in having proper schools where the people, if ambitious enough, can come forward and learn to do most anything. In the olden days there was one profession that the women had and that was midwifery and although their teachers were not the most brilliant for university students) they taught Caymanians the art of navigation. What seems to give us some concern is that that number has been reduced and we do not have the number of people interested in navigation that we had. Of course the Training Schools are doing quite a job and I feel that Government should be congratulated on the efforts which it has put forward in this direction, but more especially for the training of the ordinary person who can go to the schools and continue until finally, if they are ambitious enough, become lawyers, doctors or any other business that would enable us to be able to take care of our affairs.

Now, Mr. President, as has been rightly said, our economy depends on two fragile things, but we are going forward and I will now again say it is the prayer of those who believe in the divinity of our good Almighty Heavenly Father that we shall continue to go forward from strength to strength. We, however, must be careful, we must not waste our money because, Mr. President, I hope it does not happen in the immediate future, but one of these days if we are not careful and plan our economy so that we might have some reserve, we might get into trouble.

Banking, Mr. President, is another asset to our community. One thing that I regret, Sir, is the closure of our Government Savings Bank. I had heard that we would be able to put more effort into this and perhaps one of these days we would have had a private institution whereby we could be in competition with the other banking facilities in these Islands.

Mr. President, we have seen the opening of some very beautiful buildings in what was a very humble surrounding and I feel very sure, Sir, that it is the facilities that we have to offer in a good stable Government that has attracted these people from all over the world to come here and share our lot.

Mr. President, I am happy to know that agriculture has taken a step forward. In the olden days, Sir, our food was raised locally and we did not have the privilege or the opportunity and most of all the money to import foodstuff from abroad. Each and every little household had its little garden where they raised pigs and did what they could to sustain themselves. Mr. President, we have a very poor family and today I still have in my house a little which sent our shilling and sixpence which I got as a Christmas present from the sale

MISS ANITA HOLLAR GOODEN (NEW MEMBER): of a joy which we perform. I a aware that little chain because it was one of the things which made us happy in my youth. We can still continue in that trend (agriculture), more especially since we are getting help from banks who will assist to carry on this project.

Now, Mr. President, the Cayman Islands Currency Board. I am very proud, very, very proud that I was associated with that beginning. At that time we had in our Assembly some people who fought to put they wanted me because most especially wanted to have their influence put on this currency. People would come into my office every day and say they wanted Mr. Warren Conolly's likeness on the currency or Mr. Desmond Watler's, Mr. Ernest Panton's, Eddy Panton and everybody's picture on it. I told them, 'No such thing - let us put the effigy of Her Majesty the Queen, our born and other things of England, but we do not want anyone's picture on that currency.' I express that it is of course fact to tease because I was so insistent that we try to get our own currency. And think that it has been a reality and a great help to our financial needs.

Now putting all these figures on the computer. Mr. President, as old as I am I have never seen a computer working yet. I am not very mechanically minded, but I hope and trust, Sir, that the computer will not be similarly a complaint which I had in my office. A lady came in who had made an application for a work permit, she did not know anything about it and upon enquiry, I do not know who went to the Protection Board to enquire, she was informed that her name had been put in the computer and she was declared to be a homewrecker - therefore she would not get her work permit.

Now, Mr. President, I hope that when the estimates are put into the computer they will not be wrecking to us. There are some parts of it that I would like to see eliminated and other parts increased, but I shall deal with that when it comes to the proper time.

Company management, Mr. President, this business I am sure provides a lot of income, but we must not do anything to jeopardize these people. We need to welcome people to our Islands who can assist us and we cannot deny the fact that without the input of expatriates (as they are sometimes called - I will show non-Caymanians) we could not have arrived at the place we are today. It has been interesting to note that all during the years Caymanians have gone abroad and have contributed to the good of other countries and they be sure welcomed, but now that the cards have turned some of us are so selfish that we just want to bar people from coming here. It is not right; it is not fair and I say we should welcome people, but they should be assured to know that they will be an asset and not a hinderance to our society.

I am very proud of the Law School. Although I did not have opportunity to attend such an institution, I feel, Sir, that taking a lifetime of my youth and devoting it to my work I have accomplished something and I pride myself on this that although I am seventy-five years of age, a lot of people who obtained qualifications can learn a lot from me from the experience I had through very hard, dedicated work.

We cannot deny that tourism has been a great asset for our country. Where in the world would we be without tourism, insurance companies being located here, banking and all the other institutions of which we had no knowledge in the past. The cruise ships have contributed by bringing passengers and I hope that this trend continues.

Now, Mr. President, as I said prior to this, our dependency on imported foodstuff, clothing, could be lessened

MISS ANNIE HULAN WOODEN (CONTINUING): and we could save money if we would try to continue in the art of agriculture. It is very fitting that Government has seen fit to help these farmers.

Caymanian Heroes, Sir. Although I have questioned it and I suppose I shall still question it, but it is on record and I do not think that we could at this stage give it up. However, I would hope that some sense of economy be exercised and people whom we can do without at this stage are not hired until better reserves are in.

I was very pleased to hear the remarks from the Member for the Lesser Islands with regard to the progress they have made there. However, I feel, as he has said, that we should make in our estimates some allocation to have work done that can help people, for example work on the Bluff Road and other places which are necessary.

Now, Mr. President, Sir Vernon. It is very disturbing to me to know that we have people, to the extent of persons, who occupy that post. Mr. President, in the past we had one or two people who were not up to scratch and they were punished, but I am sorry to see that crime is on the increase in our Islands and it is due chiefly to the importation and sale of drugs.

I would say about ten years ago I made a plea to the then acting Governor, who was a Commander, to try to see if he would put it something to have this dope trade ameliorated and I was laughed at. I was told that no such a thing was happening here, but I am right and I am still asking that every effort be made to see that we get rid, as far as possible, of this terrible thing.

Mr. President, I have said it in this Honourable House before and I will repeat it. We could very well do better without useless legislators than we could do without Civil Servants. Now the Civil Servants are a very criticised lot - from you down, Sir, as our leader, right down to the ordinary labourer we all are criticised. We are not perfect, but we have, I would say, a Civil Service that we can very well be proud of. Some of them are not up to scratch, but I feel it is the fault of the Head of their Department. If they are allocated a job to be done, they should have it done; and for us at this stage to say that we are going to fine some Civil Servants I think would be very unfair.

Mr. President, my way of looking at life is this, that when you take away a man or woman's job you might as well put them out of this world if they have nothing else to survive by. However, we should instruct that they give equal work for the money they receive. Now some of them are not too well paid and women, according to reports which come to me, are exempted. Now sometimes a remark was made to me about two weeks ago that there is some lady in some Department getting $7,000 a month; she flies in a condominium on the Grand-Cayman Beach - $600 paid by Government, a motor car and other facilities while there are teachers, trained teachers, getting say $400 a month.

Now, Mr. President, I feel that there should be an adjustment. Salaries should be paid in accordance with the responsible jobs which are held.

Mr. President, I am not very happy about this amendment to the Customs Bill. My colleague here from George Town fought for several Sessions to try to get the duty lifted from water as it has developed that a few of us are trying now to get piped water to the unfortunate people living in those areas. But I feel that we should not take duty off rubber and let water be available. Kerosene oil, Mr. President - if we did not have anything else we had to find allowance to buy a bottle of kerosene oil so that we would not have darkness at night.

I will agree, Sir, that the Legal Department has performed a good job in drafting so much legislation which was needed, but I feel, Sir, that we should deal with this legislation when

MISS AGNES BUSBY BOOTH (CONTINUING): It comes before us so that we will not have to consider it before the Bill dies on it. We mean to carefully take legislation and steps all we should never legislate love against any particular individual or individuals - that is wrong. Whether I am liked or hated does not matter, but I feel, Sir, that we should do for all and sundry the same thing.

I am very much aware that in this legislation there are some which are made apparent against individuals. For instance the bill the Mental Health Law which they tried very covered against me does not matter because they could I am aware and if I am aware I think that anything in the Cayman Islands was because we could have a wonderful place to live in since I do not consider any gain for myself. I consider it for the public as a whole.

Mr. President, I consider that we have good facilities at the hospital although there will always be complaints, but if they could have known what we had in the days of nurses Andis Bush, and all them - a little building, not much bigger than this although not the size of this Chamber and with the addition of those two wards they scrubbed the walls with disinfectant and octagon soap when an operation had to be performed. They never got any overtime, it was their dedication to the service of this country that caused them to work the way they did.

Now I cannot sit down unless I mention the Mosquito, Research and Control programme which is going on. I, for one, Sir, if mosquitoes were like they used to be, would have to quit the country because they were unbearable. They say that we are to plan up this programme and return to those complaints days, you would not have one tourist come here.

Mr. President, I think the Government House was quite an ideal thing, but I am wondering, Sir, if it really is doing the job that it was supposed to do. I understand that some of the boys who have been committed to go home at weekends to the same environments from which they tried to escape and I feel, Sir, that when they are taken out of these prison which means inmates they should not be allowed to go back every week at least.

Mr. President, as has been rightly said by my colleague, there are certain things in George Town that need some care and attention. I refer particularly to the roads. There are some roads that are very narrow and quite which could be the scenes of most of this gambling and drug trade which unfortunately is going on. I would hope, Sir, that in the near future funds will be available to correct these deficiencies on the roads.

Mr. President, I am very happy to hear that the Post Office has been reconditioned and that there is to try to get a new Post Office. I would hope, pray and trust that we never become that ignorant to have destroyed this building which we now use as the Post Office. It is a landmark that could never be replaced. I do not know what it could be used for whenever we get a new Post Office, but it be a museum or library and while that building, and the Town Halls in all the districts would stand up, these new buildings would crumble and go to naught because these were built for strength.

Now, Mr. President, another thing that I am not very happy about, Sir, is the Prohibition Board and the way in which applicants are treated. Sometimes you apply and you have to wait weeks and weeks and weeks. I urge that according to the times that they have on the agenda, whenever they are pressed or not passed the applicant should be notified - they should not have to wait seven and weeks before hearing a decision. I have not heard that some method will be used whereby applicants are not kept dangling on a string.

HON. ANITA HUDDAH BODDEN (CONTINUING): Mr. Speaker, as has been said by my colleague, God has founded us in the area and He has founded us near a most wonderful neighbour, the United States of America. In olden days, Sir, had it not been for the United States, we could never have survived. Now they have their shortcomings like every country in the world and they have their problems to solve, but they have been very kind and neighbourly to us. Take the surveillance that we have there, one can get a notion - either them time it would mean a trip to Jamaica to get a visa and you might get it or you may not. So all these concessions which the United States has granted to us, we should be more than thankful for.

Mr. Speaker, let us look forward to continued unity in this House and I hope, pray and trust that we will continue to go from strength to strength.

Mr. Speaker, this 1994 year will be a very interested year in our calendar - with the forthcoming elections this floor might be swept. Not one of us here can be assured, except of course the Government Members, that they will remain a term. I have made up my mind not to run, but I have had invitations from a cross-section but from people nearly all over the world who have come to me and said, "Please continue to run - the legislative Assembly will be a dull place without you", and I said, "Well I cannot promise you, but depending on God I shall be a candidate and I intend to maintain the same standards which I now stand for and that is justice for all men.".

Thank you, Sir.

MR. PRESIDENT: I think it may be a convenient moment to suspend proceedings for about fifteen minutes.

AT 11:34 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:45 A.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Second reading debate on the Appropriation (1994) Bill, 1993.

Unless a Member indicates the wish to speak I shall be obliged to call upon the proposer to reply. It would surprise me if that was really the wish of the House.

MR. CLAUDINE FRANKS: Mr. President, I can speak, but I would rather not start now because lunch time is so near and I would not finish within that period of time and I would not like my line of thinking to be interrupted.

MR. PRESIDENT: Well we have more than half an hour before lunch.

CAPT. CHARLES D. KIRKCONNELL: Mr. Speaker, I am now ready, Sir, but I will commence.

Mr. Speaker, I would like to thank the Honourable Financial Secretary for his straight-forward and comprehensive Budget Address. I believe that he has given us an accurate account of the financial affairs of Government and the present state of the economy.

While it is true that our Islands have received bad publicity from the press as an offshore financial centre, especially the North American press, it is my opinion that this matter

HON. CHARLES L. KIRKCONNELL (CONTINUING): which is sensitive and fragile should have been channelled through diplomatic and other avenues open to this Government rather than to attempt to retaliate from the Chambers of this Honourable House.

I am positive that Government has done the utmost to prevent any illegal dealings being carried on from within and from without the Islands. However, Mr. President, it will require careful screening and monitoring to be carried out continuously in order to ensure that no unscrupulous operator is allowed the opportunity to tarnish the good name of our Islands.

Our economy has definitely felt the effects of the recession this year, but we are gradually beginning to see an overall upturn.

Tourism has shown a steady growth and all hotels and condominiums are booked solidly for the coming season.

There are also promising developments in construction for 1984 as several of these projects have been approved and the developers seem anxious to get started.

Over the past two years we have seen international banking facilities established in several major cities of the world and to date the effect has been slight on the overall operation here. I believe that our Islands will continue to attract first-class establishments to utilize our facilities.

It is gratifying to know that our Currency Board is performing so well and is in such a strong financial position. I would like to congratulate them for a job well done.

Companies Registration. The registration of companies plays a very vital role in our economy and continues to be our number two revenue earner. We have enjoyed a substantial increase in the number of companies registered here over the past year and I am sure that 1984 will see this trend continuing.

The offshore insurance continues to grow and has contributed substantially to revenue as well as to the field of employment of our people. Undoubtedly one day it will stand side by side with our banking industry as one of the main pillars of our economy.

Agriculture and fishing sector. I wholeheartedly support the aims of our Agricultural Department in setting a goal to achieve self-sufficiency in local meats and production of other products. I feel, Sir, that this is within our capacity and I believe the farmers will make every effort to achieve this goal. In years past we not only supplied the local market, but exported cattle to Jamaica. What we have done before can be accomplished again. The Member responsible has worked very hard and I wish him every success.

Cayman Airways. The two new 737's have certainly raised the standard of service to the Islands and we are all pleased to have such first-class aircraft to travel on. However, we have been told that the domestic route of Cayman Airways has been losing substantial sums of money and that the Aero 710 will be sold. We have not heard what the final and overall figures for the activities for Cayman Airways are. One would have thought that the final figures of overall operation would have been released before singling out the Cayman Brac route as a loss leader. That the Board of Cayman Airways is concerned about the loss brings little comfort to this distressing situation. The Board, Sir, should have acted two years ago to prevent the then Managing Director from purchasing a nineteen year old aircraft. I have tried repeatedly to find out why the nineteen year old aircraft was brought in our shores because we were told that it was a six year old aircraft in first-class condition.

I notice that there is a problem in

CAPT. CHARLES L. KIRKCONNELL (CONTINUED): the 1984 Estimates of $100,000 to subsidize the domestic route and I am very happy to see this because I feel that the start-up at Cayman Brac, regardless of who starts it, will need the subsidy. I also feel, Sir, that we the Members should have access to the financial statements of the airline so we can see for ourselves just exactly where and how much in losses is being incurred. Without having this detailed information I fail to see how it is possible to determine that the Brac route is losing so much money and is singled out and highlighted so unfavourably.

Cayman Brac and Little Cayman. Over the past year Cayman Brac and Little Cayman have made good progress and is in a favourable position. The new Administration Building was completed and opened in March. It is a very attractive building, well laid out and should serve the country for another fifty years. It is a great asset which we can all feel justly proud of.

The road programme has gone according to schedule and all improvements to the road on the north and south coast of Cayman Brac have been completed. The additional road on Little Cayman has also been completed. Work on the Bluff Road was stopped when the remainder of the loan from Caribbean Development Bank was exhausted. The three miles of road which has been opened up on the Bluff is in the rough and much improvement will have to be made before it can be safely used. A request for $385,000 to improve and extend this road was made, but this item has been completely cut out.

Mr. President, if any meaningful development is ever to take place on the Brac, the Bluff is the obvious and only choice. To persuade developers to purchase land, one first must prove that it is accessible and show him its potential. This cannot be done until the road has been completed. I am most disappointed to see that the money sought for the road programme in Cayman Brac and Little Cayman has been reduced by 88 %/m, leaving a mere $130,000 to carry on the road programme for 1984.

I realize, Mr. President, that the Member responsible from this vote was off the Island because when I spoke to him he was surprised of what had taken place.

I have also noted that money requested for the Cayman Brac Hospital and schools had been included in the Estimates with a slight increase in certain areas. I wish to thank the Member responsible for this Portfolio for his kind consideration.

The first phase of the projected dock situated at Salt Rock, Little Cayman, should be completed by the end of this year. I am pleased to see that the total sum requested for this project is included in the 1984 estimates. I have been reliably informed by one of the shipping agents here that one of the companies they represent will schedule one of their ships to make two calls at Little Cayman in 1985. This good news is encouraging and I hope every effort will be made to have phase two of the dock project ready by that time.

There has been much activity at Cayman Brac airport and I understand that it will soon meet the international requirements so it can be classed as an international airfield. It is hoped that no time will be lost in building the new terminal building as it is going to be most difficult to process passengers with the present facilities.

I understand that Cayman Airways is ready to inaugurate the jet services to Cayman Brac early next month. I welcome this forward step and delighted to hear about it. I am aware that this service will be costly, but I am sure in the long run it will pay good dividends both to Cayman Brac and to the airline.

The Royal Cayman Islands Police Force. I am very happy, Mr. President, that the improvements are coming to an

CAPT. CHARLES L. MCDONALD (CONTINUING): and and I am particularly pleased to know that the Commissioner has been completely exonerated. I feel personally that he is a man of high integrity and can do his job for our Islands. I also think that a lot of criticism level at the Police Force was unwarranted and nothing beyond that. I realize, Sir, that in every department you have your good and you have your bad. I sincerely hope that giving the Commissioner time he will be able to weed out the bad from among the good and that we will have a Police force that we can all be proud of.

Without a proper Police Force what would happen to us here? There would be a complete breakdown in law and order, no financing whatsoever would be in any sector of this community. I feel that it is our responsibility as private citizens to assist the police in every way possible. The Police Force in any country is only as good as the people who support it. So let us back the Police Force and then I think we will have a Force that will come with most of our major crimes.

As Mr. Donovan mentioned, the Cayman Islands do not want the reputation to come with the international trafficking of drugs. I am sure that our association with the United States has paid and will continue to pay great dividends and that one day we shall see an end to this blatant disregard for law and order.

The implementation of which. We had Mr. Brunk from the United Kingdom address us in one of the Committees and I was very thankful for the opportunity because we had been told previously that we could not make any move until the United Kingdom had the matter straightened with UNCTAD. Apparently this situation has been resolved with UNCTAD and we have that we should put some direction in to what way we should move to open up a proper registry here. It is my personal feeling that it is workable, it is workable and finally it could be one of our strong financial pillars in years to come.

Mr. Brunk stood the ridiculousness of drug trafficking and the other negative repercussions that have come from the Cayman Islands, but as we continue to register the smaller craft (they are the crafts which are giving us most of the problems - it seems already) I think we just have to be careful and screen and monitor and make sure that the persons registering ships here are of a high caliber.

Mr. President, I am greatly disturbed to see a sum of $210,600 in our Estimates for 1984 for the Cayman Islands Mission Abroad. When I consider what was done to the Cayman Brac request it makes me doubly mad and makes my blood boil. I have no intention, Mr. President, of supporting this item in the Budget and I hope that the hon. Member who is responsible for Cayman Brac, and it is in his Portfolio, will see fit to transfer or give this amount to the Road Programme for Cayman Brac. At least when the year is over, Sir, we will have a road to look at, whereas with the Cayman Islands Mission Abroad all we can expect to get from them is managed news.

Mr. President, another item I have noted with some concern is the expenditure of Government over the past three years. In 1981 the estimates of expenditure was $49,672,077 and for 1984 $53,108,652. Mr. President, that represents an increase of 20% in three years. I think we are reaching a danger level financially. We have been able to ensure the difference by raising taxation on the banks and trust companies, societies. But there is a limit to how much we can tax these companies. There are many, many other places that are willing and able to service these companies. We must be careful that we do not price ourselves out of the market. Should that fail, what is the next step, Sir? The next step will be taxation on all of us. I sincerely hope that we watch every penny that we spend this year

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): and make sure that every last dollar counts.

In our revenue estimates of the $56 million, there is a shortfall of $5 million which is coming from revenues and loans. Now, Mr. President, we only have so much revenue and it will not take long to deplete what we now have. So I would ask everyone to be careful and see if it is possible to hold down our expenditure, to what we have in the Budget.

The new Port Authority and Customs building I understand has been shelved. I, too felt that this was a project which should have gone forward; they were not going to require any Government aid. They had gone out and made provision for themselves; all they really needed was Government's guarantee. And as has been mentioned previously the Customs Department is a very important department. It is our number one revenue earner and I feel that we should upgrade this department. I see where provision has been made for a temporary building. I would hope, Sir, that instead of using the money to build a temporary place for the customs, Government will rise fit to reintroduce and start construction on the new Customs and Port Authority building.

The Legal Department, Mr. President. I think more thought should be given to the laws which they introduce before they bring them to this House. Several of the recent laws brought here have caused much controversy. The Imprisonment Bill was defeated, thank God, by this House; the Defamation Bill has been withdrawn all but at huge footpotten, and now we have a Customs Bill which I hope will also be withdrawn. I cannot see why Government should pursue a policy of trying to control and suppress the freepress. It seems that they are prepared to muzzle the freepress and the media regardless of the consequences.

Mr. President, if ever we are looking for our criteria, all we have to do is to continue on that path and I assure you all will get more than we bargained for. Napoleon, in years gone by, said that he would rather face twelve thousand bayonettes than to face a hostile press. I urge all Members of this Honourable House to get off the back of the media.

As usual, Mr. President, the Mosquito and Hurricane Control Unit continues to do a good job and without them our retirement today would be impossible. I urge that we continue to support this very important department and continue to give it what it takes to control the mosquitoes in this territory.

Mr. President, I am very sorry, Sir, for being so disinterested in my discussion here, but I am anything but prepared this evening. However, just so that I would say something I have kept it going.

It is very encouraging, Mr. President, to see that the probation side has experienced a decline and that the number of people appearing before the court has been reduced over the last year. I think this is a positive sign of improvement and one that should be encouraged. I would like to congratulate the Member of this Portfolio.

The Fire Service, Mr. President. I would like to commend them for the great service they are rendering to this country. I think we have one of the finest small brigades to be found in any of the territories. I hope they will continue to uphold the high standard which they set themselves.

I would like also to mention, Sir, the Marine Training School and the Building and Trade School. I think both of these projects have served the community well and that we are beginning to see the benefits of them. It gives our youngsters the opportunity to learn a skill which is so lacking in this society.

CAPT. CHALLEN C. KYKKOMEELA (CONTINUING): The Water and Sewage scheme, Mr. President, is one which has interested me for years and one that is very vital and important to this territory. It is an unsolved mystery and we can only marvel at how we manage to get without falling into trouble. I note that the Water Authority was formed and that the Government now go and get their water there. It will prevent the lorry from being deployed and they will also have power water to distribute.

The sewage is a bigger problem and a more costly one, but it is getting to be a very real and big problem on the Green Hills Beach. As an owner of one of these establishments we are having considerable trouble and I sincerely hope that Government will put both feet forward and try to get something going on that Seven-Mile Beach in particular in 1981.

Mr. President, the Civil Service was singled out for some criticism and I think some of them who were criticised deserve it, but I would like to say that there are members in the Civil Service who are first-class in many respects. The problem seems to lie in the lower echelon of our Service. I believe to improve this situation, a lot of re-training should be done. I am not sure how much is being done at the moment, but I do feel that this is one way that we can improve our Civil Service. We were warned in the final speech of our previous Principal Secretary that the Civil Service was becoming over-heavy. I think we have overstepped that limit again. I think a serious look should be given to this matter, not with words, but some real action should be taken.

Mr. President, in closing I would like to say that I join my other colleagues who said that we should not bite the hand which have been feeding us and sometimes to feed us. I think that we should try to find ways and means of co-operating more with the United States Government than we have in the past and I believe that this harrassment which is being experienced now will be reduced or eliminated completely. I believe the process of giving information to the United States' Officials is very lengthy and time consuming on our part and perhaps it is time we look at our own selves and streamline our Department of Information and Police who have to work with the United States' Authorities because we do not wish in any way to hamper nationals in our territory. I am positive that this is their final entry single Dynamics today alive. We have no place for them here and we do not want them here. So I am asking, Sir, that this matter be looked at in a positive way and positive steps be taken because I feel there is room for improvement on our part.

When I think, Sir, and see the turmoil in this world, I think God every night that we have such peaceful Islands in which to live. Let us all work together, put our hands in each others hands and go forward and make these Islands a worthwhile place for our values, our children and our children's children.

I thank you, Mr. President.

MR. PRESIDENT: I think this may be a convenient moment to break off proceedings and subject to the views of Members I suggest that we resume at two-fifteen.

Just before taking purdons I would mention one purely social point. I hope that Members will all have received invitations to a function at Government House on Monday the 5th of October during the Commonwealth Parliamentary Association visit, but one Member has been kind enough to tell me that he received two Ministerial cards and it is therefore possible that coming to a similar error some other Member has not received an invitation at all. If there is anybody who has not had an invitation to that function, perhaps he or she would be kind enough to let me know.

AT 12:57 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2.30 P.M.

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

THE APPROPRIATION (1964) BILL, THE SECOND READING DEBATE

MR. CHADDOCK VEARING: Mr. President, today being one of the most beautiful days I have seen for quite a while and I think for a day like this, and on such an occasion like this, we really need to give God the thanks and the glory.

Mr. President, I see in the press recently where for the district of North Side a member's seat is guaranteed for the next election and reservation to the Executive Council, so in the light of that I think I will have to use the opportunity to cover a wide area since it will be my last opportunity of debating a Budget Address.

But it is good, Sir, that God thinks at the ignorance of men. A lot of people, our own people that are clamouring and saying things that should not be said in this world of ours today, they do not know what this country was like forty years ago, because many of them are at the age of twenty-five, twenty-seven and thirty-six years.

We have a country here we are proud of but we have obtained this through hard work and by the dedication of dedicated, hard-working men and women, our legislature.

No question in this country today and many of our own people do not know that in the forties the cattle could not survive for mosquitos, they were being smothered to death. Each morning we would have to split smoke-wood to take into the house to smoke out the mosquitos and now one can go to the door, think on the notch.

I am glad, Mr. President, that we have crossed some of those rugged days.

I have heard the remark from a number of investors in this country the reason why they are here because we have a good, clean, stable Government and they have chosen our country for their place of business. I have my first time to hear one why they came here to help the poor people. I am not saying that many Corporations are not benefitting, but the main reason for coming here is because it is a good friendly people, a good atmosphere, good surroundings and a good, clean Government.

But it was the hard work of Members of this Legislature and Governments on the whole to bring these Islands to where they are at, so that everyone can enjoy them and it ought to be the privilege of Legislature still to run this country the way they are best for the people, the populace, the nations and investors as well.

Mr. Speaker, I stand for freedom, but like anything else, Mr. President, it can be abused and it can be taken out of context.

I am just making these few introductory remarks. I will get back to some of them after a while.

I will now like the opportunity to compliment to the Third Official Member congratulations on the Budget Address he presented to this House. It is an outstanding piece of material. I think I would like to see it in hard-back so that it could be available for the youths, put into the Schools, placed in

MR.CHANDISK HARRIS (CONTINUING): the libraries, in the back shops to make them see who the people were that did such a job.

I would not be telling the truth, Mr. President if I said that I agreed with everything that he said, but there is far more on it for me to agree with them to disagree. I certainly appreciate the stand that he has indicated to take, and this Government ought to take and do.

The Budget is considerably growing so the loan that are being granted over the years cannot be so guilty and so destructive as some people claim that they are, because if we did not have good loans we would not have good businesses, we would not have people interested to do business.

The Bill, Mr.President, is a large sum of money for these small islands with no natural resources of export, no factories, no refineries, no anything and for so little direct taxation. So it appears to me that there must have been careful thinking, careful work to try to do what was best for the country for it to grow and continue to develop.

I feel, Sir, that a lot of our young people could be further channeled in every field, better quality themselves for the running of this country when the time comes. It does not mean that they should be Legislators, there are other ways and means of helping to run the country.

We see a lot of things happening today we did not expect to see and some of these things are not healthy. some of them are not good, then if we do not do something about it, what will happen to the country in the future? Not because we are somewhat stable today, because we have a good Government, we have a good budget, we have some surplus, we have some reserves, that does not mean that catastrophe will not come our way.

We must then continue to make good laws to govern our country, to govern the people, guide development and as I said a minute ago, Mr.President, why people are coming to this country is simply because they do not find in any other country what they find here, and it is hard to think about them leaving, they are not ready to leave, they do not want to leave, but it is our country. We made it attractive, we made it where people could live and be happy, where people could invest and be safe, so I am saying that we should continue on that trend, on in that field.

There have been things that have been proposed that this Government should do, proposed by visitors and people who come and live for awhile, they come here and did not find these amenities and it did not interfere with their way of living. They feel that we should change the time at some period of the year to day-light saving time. They feel we should change our mode of driving from left to right. I do not feel, Mr.President, that the people of this country have any business to be dictated to by these whims and fancies.

If they do not like our way of life and atmosphere there should be no problem getting a flight out - just leave and do not bother.

What bothers me most, Mr.President, and I have mentioned it in this House a number of times is when non-Caymanians start getting seats in this House, then we will see the trend and change of my life is spared to live that long - I hope it does.

We see what happens to neighbouring countries in the Caribbean, they wanted freedom, they wanted Independence, they wanted this, they wanted that and many of them do not have anything today. We have little Grenada which was just invaded by the USA.

MR. CRADDOCK MANNING (CONTINUING): Whether President Reagan was right or wrong he saved the Caribbean Basin and with all due respect to Her Majesty's Government and the Prime Minister, with all their wisdom, I think that they should have given the United States Government a little bit more credit than what they did. Because Grenada was already a built foundation for the destruction of the Caribbean and many other countries all over the world, by communism.

I hope they will be able to set up a good, clean elected Government, bring the country back to peace and tranquillity where all the people, the inhabitants can enjoy a good, clean, quiet life.

There were some that gave their lives for the occasion and we are in sympathy with their families, their relatives, their loved ones. We owe them a debt of thanks and I would hope sometime that Government would find it convenient to extend to the United States Government our feelings on this occasion.

Mr.President, I am going to deal with what arises from the Estimates, that is the supposed amount of income for land and I listed them down. I find that a lot of money is being allocated to the various Departments and I would hope that this money will be spent with the returns it ought to realize.

First, Mr.President, we have the broadcasting station - the radio. When the radio station was being built it was to keep the people informed, to keep the people advised as to what is happening, locally and overseas as well and I feel that meetings such as these, the budget address, the debate and other debates arising during the sitting of the House could be well aired that the public will know what is going on. I admit that we have a lot of people, walking around on the outside that could come in and listen, but they do not have the time, even though they are not doing anything. But it is utterly impossible for the mass to come in and listen. They will not get the full details, the full report, the full debate of the Assembly from the press and I think the radio station, built for the purpose of our people, serving them, then it ought to be used to the fullest extent to convey to the public the debates of all meetings in Parliament.

The House is open to the public, the press attends so I do not see why the radio station should be restricted from broadcasting to the people the happenings, the dealings of each sitting of the House.

Police: Over $2M to be allocated for the Police Department. There was a lot in the atmosphere a few months ago about the police and I said then what I will say now and I will say now what I said then - it was not half as bad as the few people were making it out. They have their ups and downs, they have certain behaviour that I do not agree with, like anybody else, but we cannot get along without the police, so we must have a Police Department, we must have a Police Force, we must have some-body in charge of it, we must have somebody responsible.

If the Police Department was like any other Department of any elected Member, could please everybody, then there would still be something wrong.

Mr.President, during the recess case, the Column creaking open, because we will be getting some other ones eventually, I feel that the discipline of the Police is lacking some place, because they are not getting the proper discipline that they should get, or if they are getting it, when they get outside the gate, they discard it. I do not know, but courtesy and respect are due to

MR. CRADDOCK BRANKS (CONTINUING): the Police from the public, and vice versa, the public is due the respect and courtesy and help from the Police, that is what they are being paid for. On many occasions this is not the case.

A lot of allegations, as I have said, were levelled at them and I did not believe them questions of it, and as far as I am concerned, it has been brought out that even though there seemed to have been a bit of knowledgeism still continuing, but there seemed to be no findings.

That is what idleness and idle talk will do. It does not take very long to get people to invite something if you tell them it is secret. If you start to tell them good, fancy things that seem to be true they will even have it all over the next week; when it comes back - next week talk - what the Lady Member talks about.

There was a proposed amendment to be brought to this House at this sitting and it was withdrawn. Mr.President, I said outside and I stand for freedom. The motorist is free to drive at any rate or speed, in any manner he feels like driving, until he is caught. One is free to talk whenever they feel like talking until they go over the boundary. We are free to move in any direction we want to move, until we walk into the wrong place.

Any businessman, any investor who comes to this country, whether it is the gospel-physician, whether it is a magazine writer, whether it is a news-paper publisher, and he or she primarily is not a Caymanian, when Government feels that proper laws should be introduced to control things and make things better. I do not see that it should be deterred or withdrawn just because somebody says so, who is not a Caymanian, or Caymanians.

The press has freedom, yes, we all have freedom, that is just what I am going to say. I heard a Magistrate say a few weeks ago that he had not gone in any country yet, and he did not intend to just sit in this country, that you had two laws for two different people. It is supposed to be one law for all people.

Then when the amendment was proposed to protect the right and the honesty and the integrity and the decency and the behaviour of citizens, out of the hands of the press, then I cannot see why Government withdrew it. Anybody, Mr.President, who does not want to work and live under our laws, there is no problem, if they are so broke as that, I believe I would borrow enough money to pay somebody to passage off of this Island and we would be better without some of them.

I promised my people thirty years ago that I would come in here and do for them what I felt was fair and right and honest and just for the people of this country according to the dictation of my mind, and I am right until I am proven wrong.

It is an insult to the people of these Islands that somebody on the outside, come in here, get the opportunity to live a millionaire's life, off of the public, and then turn round and tell the public they cannot do this or you must not do that, and when they get in the corner they go around - "you do this, you do that - do not listen to those legislators.

If the press has to run this country God help us Mr.President, then we might just as well ask everybody to close up and quit.

I am not campaigning, Mr.President,my people have promised me victory, when they do not want me, they will tell me and as long as they want me they will tell me they want me.

An article went out in the press some days ago

MR.URAGOW FRANCO (CONTINUING): by the Second Elected Member of Executive Council, and I have not seen my comment on it as a contradiction. If a Member of Executive Council like him I would say, Sir, in my opinion, I do not believe they have anybody working in the field of the press who has any business to share with him, and that is why they would not contradict the publication that he sent out. And let me say this in passing, the day this Legislature loses that Member out of the constituency of Georgetown, they have lost a good man - go find his replacement.

Mr.President, it was published by the Third Official Member, when I say published I do not mean through the press he published it in here, that he felt the time was ripe when people working for Government, Civil Servants, or daily paid people, should get paid for their work. I agree, Mr.President, one hundred per cent. I agree one hundred per cent that they should be paid for their work. But the Legislature should not be burnt to know that they are asking money to pay salaries, to pay daily paid people, and they are not doing the job they should do. It is time to wake up. If they cannot fill the job, give them a reasonable time, if they cannot be ordered to meet the demand, well ask them to look for a job they can do.

I wonder if we were to ask every Civil Servant today if they were satisfied with their salary over the last three years, I wonder what percentage would tell you that they are satisfied With the increase for 1984 ask them your opinion and find out how many will tell you they are satisfied? [illegible]

I feel that as has been pointed out it is time that something be done about it; we are getting top-heavy, according to the Financial Secretary, we now have about two thousand Civil Servants, and less Services with the purpose for how many more, I do not know because I have not counted them. Then it would appear that we should not require all of them, we could get the work done in half a day rather than working all day.

You know, Mr.President, I wonder if some people realise what dishonesty really means? I am supposed to be at work 8.30, I come in 8.16; I am supposed to go for lunch at 12, I come back quarter to 2. Whatever is the time to stop work, whether it is 4, or 4.30, ten minutes before that time I am ready to go. If on pay day when the cheque is picked up, if they were short of 5 cents they would run back to the Third Official Member - What happened to this - it is short of five cents?" But they would not tell the Financial Secretary that they had skipped 2 hours out of that month, by being late, being negligent, taking time off. No, they would put up a war for 5 cents.

I believe a lot of this applies to the private sector as well.

I remember some time ago, not too many months ago, I saw a young lady in one of the supermarkets and she said to somebody "What time is it?" And he said, "It is some few minutes to 12." "Oh, let me get out of this place, I called in and told them this morning I was not able to come to work." Yet she was in many Government have some of these same status placed on them, I am sure. It is time to think about an introduction of a certificate from a medical source.

We have a commendably good hospital and quite a number of very highly qualified doctors in different fields but undoubtedly, as always, there are some grievances, some problems, some things could be better. Some patients do not even get to see a doctor, they do not get attended to when they go; if they go three o'clock in the morning they are asked why they did not come the day before. If they come today they are asked why did they not wait until

MR. CRADDOCK SPEAKS: (CONTINUED): tomorrow, all these kind of things, to grieve and aggravate people. But in this day and age, other than those that are on welfare there is no reason why the hospital should be bogged, loaded debts, bills that patients go in and get treated with medical aid, but walk out and leave them unpaid.

According to the Auditor-General's report for 1983 the hospital has an outstanding amount of $663,381. If you got the names of some of these people who owe bills, you would find them with a TV dish by the side of their home - two cars. You want to tell me that there is not manners where these bills can legally be collected?

I am excepting those on welfare, those who are bed-ridden, in their homes and getting a small amount from Government to help keep them alive. That amount does not include them, I am positive. Yet they say you are not doing this, you are not doing anything to help them, but they can go and get medical aid yet do not pay their bills.

Since I am speaking on medical aid, Sir, I am reminded of the Health Department. I wonder what percentage, what portion of house-holders in these Islands have their garbage collected and are paying garbage fees? I really wonder. I hope somebody will give me some answer on that before this meeting is concluded or another week or two. Because I do not believe they pay on account of the way I see garbage handled, the way that I see it dumped in the mines it is being dumped. Why should this be? I do not see where this information should be so hard to be obtained. If you have 200 residents in North Side the books ought to show whether 50 or 75 have paid and the number who do not pay. You have 1600 homes in West Bay it has to be easy to find out what percentage owns from the register, and that would leave the others who do not pay, but still cannot Government to provide money for equipment, pay for labour, pay for drivers, mechanics, services and cannot even get it back.

There are a lot of Caymanians, Mr. President, who are unfair to themselves. That is freedom again, abuse it.

Mr. President, there is another head in the Estimates that is close to me, I do not know whether it is below my head or above it. When we talked in terms about building prison facilities to bring our boys or people back from the prison overseas so that we could have them in our Island, back home, where they could be regularly visited by their relatives, then after some years we achieved this, but never did I think that we would find in such a short time, at least that we would ever reach over any period of time, 65 prisoners in the Northward prison, and I presume, Sir, that most of these are young people. As you do not start to get old until you are 65 and I believe a lot of them, or most of them, are under that.

What can we do about such as this? We do not make laws to prohibit people from committing crimes, we only make laws to deal with them after they have committed the crime and are caught, but it seems that we must attempt to find some measure some way of being relieved of a continuation of young people being sent to prison.

The amount requested here is over $1M for 1984. I have been told that they are doing gardening, they are planting tomatos, cabbage, cassava. It appears that something should be done; I do not know, but it was requested over and over again and promises made that the prisoners would be doing public work and the thousands and the thousands of dollars that Government could save if

MR. CHADDOCK EDLING (CONTINUING): these prisoners were allowed to keep the yards clear the yards from cans and bottles, all Government property, buildings should be kept clean. But it is easier seemingly to vote $50,000 or $100,000 whatever amount we want to vote, for the maintenance, the cleaning or the cleaning of Government property and then vote another $50,000 for food to feed the prisoners while they eat, sleep, drink and be merry.

I wonder if they have a T.V. dish in the compound? I suppose if not, they will get it in 1984 and that will be the last thing looking.

I, as a representative of this country, the people of this country, of my constituents, I have spent hours and hours in wet, mosquitos, running out on the roads clearing them of bottles and cans to make it look decent, and somebody who has committed a crime, when I am out there, he is sleeping. When he gets up, if he does not want coffee, he has to get milk. If he does not want oatmeal he has to get corn flakes.

Mr.President, this is a reproach to any good, civilized country and people and the Caymanians are civilized, good people. I do not know if I am going to get an answer why they are not working. Any private enterprise to do a job when there are people who can do it, should do it.

If we want to curb the behaviour of criminals that way, it is a mistake. If you do not pay for your deeds you will not stop it. It is like the seven or eight year old boy, leaves the house but does not tell his parents. When he comes back, regardless of what time it is, they say "If you do it again I am going to beat you.". The next day he does the same thing every he returns and they say again "If you go back out again I am going to beat you.". He goes back the third time and he stays longer but when he comes back to the house nothing is done to him. That is mainly what we are doing.

Mr.President, with your permission and other Members, if you would like an adjourn for ten minutes I would request, Sir.

MR. SPEAKER: You mean you propose speaking for some considerable further time?

MR. CHADDOCK EDLING: Yes, Sir.....

(MEMBERS - LAUGHTER)

MR. SPEAKER: Well, in that case it might suit Honourable Members to suspend for about fifteen minutes. I will suspend proceedings for that long.

MOVE SUSPENDED

HOUSE RESUMES:

MR. PRESIDENT: Please be seated.
Proceedings are resumed. The Member for North Side.

THE APPROPRIATION (1984) BILL, 1983
CONTINUATION OF SECOND READING DEBATE

MR. CRABDOCK EVANS (CONTINUING): Mr. President, I would like to make a few brief comments on the Public Works Department. May be Members might feel that I would attempt this. I come in here to do what I feel is right for the people, I leave my friends and family outside.

I will realise that it is a Department that has its hands full, receiving many calls from every direction from the community of the country, but I feel that there are things that should be done to help it to run smoother with the work in this Department. I am not saying administratively, I do not mean that, I have no connection with that at all, but when one drives along the road and sees the people who are supposed to be doing some work, five of them sitting down, and are pretending to be doing something, I do not feel that that is justified. And this is not something new happening, it has been over the years and I have argued about that, it has been my grievance and of other Members as well. What seems to be the cause of a lot of this is lack of supervision.

When you get someone who is giddy-handed and that person is supervising, then you will get no place. He may come in and tell them to do this but he will get in his car or truck and go off for hours. On his return, what has been done? Little or nothing. They are on the job, they are being paid, so long as they stick around they feel well that is all.

In my opinion, in a lot of instances, when money is found for certain projects or for certain work it has never been finished without having to get supplementary to complete the job. Simply because labour is used up, much of the money that should have been spent to do the job, and the job is not done.

They are trimming the roads - I see them a lot of time trimming some of the roads and they do not have enough ambition to throw the shrubbery and the limbs of the trees that they cut off to throw them over the fence, but throw them down on the shoulders of the road. That is the extent of their interest and their ambition. In a lot of areas that I have seen, it looks worse than before, the way it is left on the shoulders of the road than if they had cut them and thrown them over the fence. That is too burdensome, I imagine, there are not made for lifting weights.

When I have never been seemingly able to understand is why it is so hard to get rid of someone who is not doing the job, with whom you are not satisfied, who cannot do the work you want done, when you want it done, and yet they can still employed. I simply cannot understand it.

You have a gardener in your home - you go home in the evening, the husband goes home in the evenings and the wife says "You know John did not do what he was supposed to do.". Alright, tell him to go, it is as simple as that. Yet somebody that you are taking tax-payers money to pay should do something and they are not doing it, yet you still hold on to them.

MR.GARFIELD EBANKS (CONTINUING): I learned things by the hard way, and I guess most Members in here have learnt most of what they know and what they have, all by the hard way.

I would have, Sir, that some of this be cleared up, straightened up and the job done and money saved, because when you are spending the money that was allocated to something you are saving money than by not having to come back to ask for supplementary to complete the job.

The Traffic Department: If I was someone who had a lot of nightmares I believe I would have one of them every other night over the Traffic Department, what I see on the road. Asking for $35,000 more to paint more lines. It appears to me that it would take a supreme mathematical genius to cypher out all the trims and signs and marks that I see on the road this little George have to find out what they are and what they mean. I wonder how many thousand cat-eyes have been put down?

I intended putting in a question on that but I just thought I would leave it, but I do hope that the Department will have it ready for the next meeting, how many hundred thousand cat-eyes and what was the cost. Mat, I did not care where one travelled nothing like this was ever seen and there is no need for it. If we were as dumb as the people who come here that we pay to do some things then we would not have what we have.

The only man who ever navigated a three-masted Schooner out of New York harbour at mid-night was Caymanian, he never had the chance to go to school either. See, he was black too.

Anyway, Mr.President, I do hope that in the near future I will see better working conditions on the jobs of people more inclined, more keen to do the job that they were sent to do.

I wonder what happened to that car (Prado) that went into the sea off the airport a year ago? I wonder if the driver is still employed? Mr.President, the amount of vehicles that Government-employed people have wrecked, destroyed and mashed up, what really happens about that? I mean when you give a fellow a truck like $40,000 or $45,000 the cost, to drive that truck to haul materials or for whatever reason for Government, a new truck and in a week or a month it is mashed up - what happens from there on? Are they aware or made aware of the fact that if through carelessness they wreck and mash up these vehicles that they have some part of the responsibility of paying for them? I think if they did we would not have so many wrecked ones.

No, insurance - then they increase mine who is innocent, insurance the public, who is innocent. Then you turn around and give him another truck, another vehicle, and nine times out of ten before the year is out he wrecks that as well. When will we learn? I mean, if experience is not a teacher then there must be something wrong because when you see these things happening and you do nothing about them, then they just continue.

When you stand this kind of money on vehicles and then by chance they might be repaired - vehicles cost $35,000 or $40,000 and you turn around and through it being wrecked, you have to spend another $30,000 probably on repair them - where do we go from here?

I wish the Financial Secretary a long life, good wisdom, good understanding, forbearance, and to find ways and means for the revenue to grow because we are going to need it. He is doing well, the only thing is that he has not done what he promised me.

Mr. President, these things should be looked into and should be taken care of and then we would have less trouble, less problem - we have better drivers, we would have better workers, we would have better people, Government

MR.CHARLOCK BEANCE (CONTINUING): Mr.President, I am leaving myself out of this. When I worked for 50 years, I have not had a salary so I would not expect any pension. I have been asked what do I mean working for fifty years, I did a two-fold job in one day then I came in home and I drove the animal one for the children got very little for one and none for the other. I spent 25 years driving the children and most parents did not appreciate that, then 20 years in the Assembly, making 45 years, then I guess I am well pinched. Anyway, I am glad, Mr.President that I have been able to see those who have put in long, hard, weary hours doing the job that they promised to do, they well deserve the benefits of a pension.

We have a number of Civil Servants who have dedicated all their lives, so it were, to this Government, to this country and the people to do anything that was possible to make it a good place to live, a good Government and I am glad that the view is being taken that they will be better provided for through their retirement from their pensions and I hope they will live long to enjoy it.

Mr.President, if there is any Member who would like to make himself up I believe I have covered a good part of what I intended to do.

The Third Official Member said while now that I had not referred to the Budget or the Estimates or the Address yet, I will do that on the other side I can only say again it is a piece of a job and work well done; it deserves to be put where it can be seen, where it can be read and used and I wish for that Member many years of dedicated service to this country and its people. He seemed to have the view of what we need, what should be done and I would hope that he would stick to that and I congratulate him, Mr.President on the long hours that he spent putting this together and presenting it to this House. Again, I say I wish for him the best of everything.

I thank you, Mr.President.

MR.PRESIDENT: Does any other Honourable Member wish to speak before I call upon the Mover of the motion to reply?

MR.J.CARSTON SMITH: Mr.President, the greater part of progress in the destiny is progress. Nature knows no pause in progress and development and astumbles her course in all in action. That, Mr.President, is one of the principles which the world progresses.

I am honoured once to be able to debate the annual budget of our country and to congratulate myself with Members in complimenting and congratulating our Honourable Financial Secretary for his clear presentation of the financial position of these Islands and the confidence he has in this Government.

The very manner in which he presented the budget, Mr.President entailed a lot of time, concentration and hard work, to put everything in the right perspective to merit the approval of this Honourable House and what would be a success in the year ahead.

Mr.President, this budget is based mainly on the financial industry and tourism and we should be proud and thank our Creator that these have prospered in a manner that how to bring our country the prosperity we now enjoy.

MR. CARTON SMITH (CONTINUING): would save money, save time, because if you have two ambulance vehicles for a route, one is taken off the route for months, then it slows down everything. This turns back the time, to turns back the clock, and everything is turned back.

Mr.President, I mentioned a minute ago about the traffic, but I really have not emphasised this, I only discussed the signs. You know we have had a reduction of speed limits in a number of areas over the last fifteen months simply by some lines, but as far as I am concerned, it has not proven that yet. When half or more of the Island or three-quarters of the Island was 40 miles speed limit then were the years that we had no traffic fatality. Over the years we have had some. We reduced a lot of the 40 to 30 and until this year now we already, regrettably we have had 5 fatalities, homes and families have been broken, sorrow and grief now crept in.

I think I supported an amendment before the House a few days ago that criminals ought to be dealt with and when we have our own people with no regard for the public for the population, for other motorists, for anything, then reducing the speed limit will do nothing about it. There is only one answer to it and it will be too late, because when he has already killed someone, or killed two people, then there are two homes left in mourning. He might get two years in prison, he might not. Is that being fair to careless, dangerous, unwilling, wild drivers?

On sports road in the mornings, 9.30 or quarter to 9 you will see the army people, wanting to overtake 6 cars before they stop. Then 6 might be staying within the 40 mile limit and they have to cross 6 - can you imagine the speed he must be travelling at? An accident happens and they claim a tire blew out, a dip was crossing the road,etc. Is there anything wrong in anyway to save a driver's life and safe other people's lives by telling them that they can not manoeuvre with drivers in this country anymore?

Mr.President, I hope that Members are not getting worn out, it is the last meeting for the year and I only have to finish up the rest of the day in reply to the Throne Speech because as I already indicated it will be my last opportunity, according to reports. Anyway, I will still be coming in and I will be up there looking down and those who may be down here who think they have the bucket they will know when to be looking up, so will I, I will still be here.

Pensions: I do not know how that is going to be used, with a pinch, wrench or what. We had an amendment to the Pensions Law before us to improve standards of pensions for persons who deserve them. Well, this would not be the first time we had a bit of sense about pensions. First, all the pensioners were the only ones who received this, their widow or any other member did not receive, finally the other side of the coin could get a portion and then it was brought in for children to receive at a certain age a small amount. With other things that are now proposed in the Pensions Law it will help and I am sure that those persons receiving pension will certainly appreciate this being done, because $7 added to $4 will give them $11, instead of getting 4 $1 bills they will get 1 $5 and it makes it look better anyway. But I wonder, Mr.President,it says up to 10 years service, and I wonder about the person who services all his life and has not received a salary or a pension, how will they be taken into account?

MR. T. GARSTON SMITH (CONTINUING): Here we are debating a budget of $68.4M which represents about $3,500 for every man, woman and child in this country. This is truly a feat when we do not have the many onerous taxes that face many countries.

Mr. President, to present this large budget with only a small amount of new borrowing and with our present national debt standing at about only $6M and requiring only 2.8% of general revenue to service the long-term debt, we have accomplished all this and yet our Consumer Price Index has only risen 8% over the past 2 years.

The world at large continues to have faith in our country and our way of life and this is evident by the fact, Sir, that we have about 450 financial institutions licensed in these Islands. We hope that they will continue to play the important part in our economy that they have.

It is encouraging to note, Sir, that employment of locals has been also risen to 77%.

The Agricultural and Industrial Board has given much assistance to the small business operator and I am proud that it was our administration who put this forward. I would only hope that some of the beneficiaries of this would be more thankful for what they get from it.

Our currency continues to be very strong, Mr. President and has assets of $18.3M and was able to this to contribute to general revenue $1.4M.

Mr. President, I say here again very boldly that I am proud of the achievement of the students at the High School and to know that our administration had the foresight to set this up for our youngsters.

I am also very pleased to learn of the rebound in tourism in air and cruise ship passenger arrivals. This shows us that our advertising and public relations are having handled correctly and our people employed in the tourism sector are doing a good job.

Mr. President, faith in our economy is also registered by the increase in construction activity.

I also support the creation of a Marine Park which ensures that the future generation will also enjoy the beauty of our coral reefs.

I am pleased to know that airport facilities at Cayman have been improved and that within a short while they will be enjoying the facilities of our 737 aircraft.

Mr. President, I salute the police for the work they have done under very trying circumstances. Just recently during the Queen's visit they were awarded the name of the Cayman Islands Royal Police and I, for one, feel that this was a credit for the Police Force. But not long afterwards the Police were faced with some unfounded rumours which caused you, Sir, to have an investigation made into the Chief of Police and our officers of this Island.

Mr. President, although the investigation proved that there was nothing wrong with the Chief of Police I feel that the damage done to this fine gentleman cannot be wiped out just by an investigation. When you slander someone's name I think it should be a recourse to punish, if necessary, the people who were responsible for making these rumours.

Just recently a meeting was held here by the Team Hill, George Town and one of the most knowledgeable who is not a Caymanian by birth and who is trying to tell this Assembly what they must say and what they must not say in this House, has been

MR. J.GARSTON SMITH (CONTINUING) awarded the MBE by Her Majesty and that person, among all the other disgraceful things he went on with, got up there and tapped, saying "That MBE stands for my bloody effort".

Mr.President, I am appealing to you Sir, as our Queen's representative, to make a strict note of that and ask the Queen to have that MBE withdrawn from this gentleman.

Mr.President, the standard of education in these Islands has reached a high level and I am pleased to see that a healthy part of this budget is allocated to education. I support education as one of the top priorities because I always found in life it is no hard enough to make it when you have something in your head and much harder when you do not. I congratulate the Member in charge of this portfolio and all those who work in the Education Department of these Islands.

Mr.President, at a recent High School graduation I listened very carefully to the Principal of the Cayman High School, Mr. Andrew Little and I quote the theme of his speech was "You never had it so good". Today I endorse his words, we have never had it so good in the Cayman Islands, so let us not destroy or let anyone else come to these Islands and destroy what we have worked so hard to get.

The purchase of the Turtle Farm, in my opinion, was an important step taken by this Honourable House as it preserves our heritage and be a great boost to our economy, to the country of my district. We can only hope that the problems which now affect it will be removed very soon.

The commencement of construction of Owen Roberts Airfield I am very happy with and look forward to this beautiful structure serving the people of these Islands for many years to come.

Medical facilities have improved tremendously. Mr.President, the people of the Cayman Islands should be proud of our medical facilities. When you take into consideration that 52% of the cost is subsidized by this Government.

Mr.President, I am also pleased to learn of the number of students attending Youth Training School, the Marine Training School and the Building and Trade School. But I would hope that more youngsters would take advantage of these facilities.

Fire Service, Mr.President, is very important and I compliment the Chief Officer, Mr.Wilson and his staff.

Mr.President, it is a compliment to our administration that we have embarked on the creation of a water authority and treatment of sewerage. This has been a need for a very long time, especially on the 7-mile beach and this will ensure that the future problems in these areas will not be faced.

I am also pleased that the Civil Service is being recognised with a $1.5M increase in salaries. But, Mr.President, as the Honourable Financial Secretary stated his concern of the size of staff and people who are not pulling their weights, I support his views wholeheartedly, and I think that the time has come when we must look ahead and if a man or woman does a day's pay he or she should be paid. But on the other hand, if they are not pulling their weights they should be dismissed - where you can get rid of them.

In the Estimates I see Poor Relief is increased by 40%. Mr.President, I am proud to see this because not every person in these Islands have the privilege and opportunity to enjoy the fruits of this Land. We have people who have no one to

MR. J. WINSTON SMITH (CONTINUED): ...look to or cannot help themselves. Mr. Speaker, these people need help and we must help them. But what I am not satisfied with is the distribution of funds. In many cases it has been proven that some people get these funds who do not deserve them and then in other cases people who really need these funds are being left out, and ignored.

Mr. President, the way I see it and I think I have mentioned this to this Honourable House before, that the whole structure of our welfare needs to be looked into and revamped as necessary. Things must be put in the right perspective if we want to continue on the right course.

Mr. President, the Prison is another area that has gone a long way. I know that this may not be the best subject to debate, especially the way members have called up to such a short time with prisoners. But there is one thing we have our own prison and there is nothing like having your own. It gives the prisoner a chance to consider his wrongs once he is in prison here in his own island where he can be constantly exposed to his family and friends.

I was quite impressed on a recent visit I made to the Prison Farm, to see the work done there by farmers.

The Mosquito Research operation as we know is a very costly one, there will be times they will have their set-backs like any other operation but we have to continue to support it if we are able to keep this place as a tourist resort. Without this work we would be back right where we started.

The Department of Agriculture has been very active in the past year with an aim to decrease the heavy importation of food from abroad. I hope in the near future we can be self-supporting in local production of most vegetables, which now have to be imported.

Mr. President, I did not intend to speak on Garbage collection but since the Member from North Side raised it, I want to make a point here that may be of interest to Members and also to the Financial Secretary. If we want to collect for a service we must give a service. I realize that when a law is made, some one is affect, it applies to every person in these Islands. But the point that I really want to make is, I know that many of these bills that have been sent out now and in the past from the Financial Secretary's office, some of those people do not know where the truck can accommodate them, so the truck does not really collect any garbage for them and I just thought I would mention this because maybe the Financial Secretary was not aware of this and I really cannot see, Mr. Speaker, asking people to pay for something they have not received.

Mr. President, I am proud to associate myself with the capital expenditures approved and to note that most of this funds - $11.2M come from general revenue with only a small amount of borrowing.

Last, but not least, I am very pleased to see that provision is made in the Estimates for the buying of lands for sporting facilities. Mr. President, I realize that we need to prepare ourselves for a rainy day but we also need to think of the young people of this country and use some of this money to provide proper sporting facilities for these young people.

Mr. Speaker, I am well pleased with the progress made in 1982 and look forward to a prosperous 1983 for our people. And I will hope that I will be able to be back here to debate the 1983 Budget. I thank you, Mr. President.

MR. PRESIDENT: I think that may be a convenient moment to move the adjournment.

ADJOURNMENT

HON. C.W. PORTER: Mr. President, I move the adjournment of this House until 10 a.m. tomorrow.

MR. PRESIDENT: It is moved that the House do adjourn until 10 a.m. tomorrow. Unless any Member wishes to speak I will put the question. Will those in favour please say aye, those against, No. The ayes have it.

AT 4.31 P.M. THE HOUSE ADJOURNED UNTIL THURSDAY 26TH NOVEMBER, 1981 at 10 a.m.

BUDGET SESSION AND
FORTIETH MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
THURSDAY, 24TH NOVEMBER, 1983

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR D PETER LEAVE, CMG, CVO - PRESIDING

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO,CBE,JP	SENIOR OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J KEARNEY, QAM	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON THOMAS C JEFFERSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN D McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON THOMAS M BOSTEN	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON D KEITH SEARLE	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CAMPTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D DALMAIN EVANS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O SEVERS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR W GORDON SOUSAM, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE DULCIE BODDEN, OBE	SIXTH ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF CAYMAN TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT KENNY R KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK WALKER, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

FIFTH DAY

THURSDAY, 24TH NOVEMBER, 1983

1. GOVERNMENT BUSINESS:

(a) BILLS:-

THIRD READINGS

(i) The Banks and Trust Companies Regulation (Amendment) Bill, 1983

(ii) The Legal Practitioners (Amendment) Bill, 1983

(iii) The Companies (Amendment) Bill, 1983

(b) THE APPROPRIATION (1984) BILL, 1983

CONTINUATION OF SECOND READING DEBATE.

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Mr. Benson Brooks	5
Hon. G. Wade Hedden	8
Adjournment	10

THURSDAY

24TH NOVEMBER, 1993

10:00 A.M.

MR. PRESIDENT: Please be seated. Proceedings are resumed. Bills, Third Readings.

BILLS - THIRD READINGS

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) BILL, 1993

CLERK: The Banks and Trust Companies Regulation (Amendment) Bill, 1993.

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for A Law to Amend The Banks and Trust Companies Regulations Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for A Law to Amend The Banks and Trust Companies Regulations Law (Revised) be given a Third Reading and passed.

Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL, 1993

CLERK: The Legal Practitioners (Amendment) Bill, 1993.

HON. MICHAEL J. GRAWLEY: Mr. President, Sir, in accordance with Standing Order 64, I beg to move that a Bill shortly entitled The Legal Practitioners (Amendment) Bill, 1993 be now read a third time and passed.

MR. PRESIDENT: The question is that a Bill shortly entitled The Legal Practitioners (Amendment) Bill, 1993, be given a Third Reading and passed.

Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Companies (Amendment) Bill, 1993.

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Companies Law, Chapter 22, be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to Amend the Companies Law, be given a Third Reading and passed.

Unless any Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE APPROPRIATION (1984) BILL, 1983

(CONTINUATION OF SECOND READING DEBATE)

MR. SPEAKER: Item 7(N), The Appropriation (1984) Bill, 1983 - continuation of Second Reading debate.

HON. D. H. FOSTER: Mr. President, I would like to associate myself with my colleagues in congratulating the Honourable Financial Secretary on a budget speech well put together and very ably delivered. I am indeed, Sir, proud of my colleague.

The Budget Address lays out very clearly the state of affairs of our country. It hides nothing and with the aid of the computer this year we have been privileged to have much more statistics than in the past.

Mr. President, Caymanians are a most fortunate people in the whole world. They have a little territory with a small population with everything good for them and my sincere wish this morning is that they have enough sense to use it and take care of it and to treasure it.

Mr. President, we are not unlike other territories where a bit of prosperity might go to our heads and in the rush we lose it. We are not unlike other territories as far as having problems are concerned, but we must tackle those problems, we must face them head on with new ideas and that is to solve them. And in doing so to have as few people as possible and to preserve our stability in the process.

Now, Mr. President, as I said before the computer is in full action, but some of the figures and some of the comparisons I think need clarification. Mr. President, the comparison of the size of the Civil Service in 1978 as against 1983 needs to be explained. The Service rose from 668 employees in 1978 to 1,320 in 1983. A growth of 97.9% on an annual compounding rate of just over 9.9%.

Mr. President, in 1978 our revenue was $7,000,980.37 and in 1983 it is $69,092,618 - a growth, Mr. President, of 886%. This country has developed over the last ten years at a rapid rate and it has been Government's duty to provide the infrastructure to cope with the growth and there is only one way that this could be done and this is to increase our staff to cope with it.

The expenditure, Mr. President, in 1978 was $6,448,297 as against 1984 proposed $60,822,834 - an increase of 900%. Besides that during the past ten years because of the rapid growth, new departments have sprung up departments which did not exist in 1978 - Broadcasting and Immigration for instance. Immigration used to be merged with the Police Department. In short, in 1978 we had about 18 departments or sections (call them what you may) and now we have 29. These have all been necessary, Mr. President, otherwise we would not be here today to cope with the rapid development which we have experienced.

Mr. President, the arrivals in 1978 (and I am doing this on a ten year basis) totalled 98,941 as against 1982 last year which totalled 156,241. Mr. President, people have to cope with the growing needs. So I would say that Members should not be alarmed with that figure of the growth in the service.

Mr. President, the Financial Secretary has sounded the warning bell and I think the Service has heard it. But, Mr. President, it is a known fact that you get what you pay for. If I buy a $5 pair of shoes I cannot expect them to last me forever. It is not going to last very long.

HON. D. A. MORGAN (CONTINUING): Mr. President, up to this time we have not been able to induce many of our more or highly educated Caymanians from the private sector to come into Government. I say, Sir, if we pay our Civil Servants we will get better returns than what we are getting. I am not now complaining about the service we are now getting. Definitely it can be improved and I support the Honourable Financial Secretary's warning that we must do everything to improve it and this improvement and this example, Mr. President, has to start right from the top. If the Head of a Department does not set the right example, how can he expect those under him not to follow? And I strongly support that, but I say we must pay for what we get.

Mr. President, I support what the Second Elected Member for the Lesser Islands said and I hope that in Finance Committee some money will be able to be voted for road funds as we probably have a slow year in the Drax next year. With respect to a second doctor, Mr. President, I think with the number we have here that as an interim measure Whenever the Medical Officer in the Sister needs relief there should be no trouble in getting a relief from here, if applied for, for a short period.

Mr. President, the First Elected Member for the Lesser Islands had hoped that more money could have been obtained for the roads instead of the Cayman Islands Visit Survey. I was in the unfortunate position that I voted first and was bowled for nil. However, he is still in, meaning that he still will attend Finance Committee and hopefully the two of them can put an amendment whereby they can get some money for roadworks.

As far as the Cayman Islands Visit Survey is concerned, Mr. President, I might as well just say it loud and clear here today that in August or prior to August the contract with the Bonn Survey was terminated at the end of August. As a result the figure which is in the 1983 Estimates is for eight months only. Later the Finance Committee voted half of that sum for the last four months of this year. What I am trying to say, Mr. President, the figure in the 1983 Budget does not reflect the expenditure for the entire year, but only for eight months. This will however be a short sum of time and it was budget preparation time. Again I had no choice but to have a serious look at what we had in the Information Service and to cut it by 30%, Mr. President. We went through in detail every item.

Mr. President, if any of us kept a thorough and accurate account of what our individual offices cost us to run we would find that we could not run this Information Service any cheaper. I say, Mr. President, I mean that if our office space was valued at the market price outside electricity, telephones, typewriters, duplicating paper and every item which they have to pay for and which if we paid for, it would soon cut us asunder.

Mr. President, the Information Service is well manned now although it will be shorter than it was last year because of the 30% cut. We will shaving some waste and there will be less one. Mr. President, that is the position with it and I hope Members will see through it. I would hate to have to go through the process of finding office accommodation, advertising for staff and going through a whole lot of red tape to get an Information Service started when we have a good one going.

Mr. President, on a more serious point, the First Elected Member for the Lesser Islands said that we should get off the back of the media. I wholeheartedly agree, but the press must get off of our backs as well. Without integrity we cannot have freedom of press and Mr. President, I think the media here must seek to re-establish their journalistic credibility and not let it burn over. Let us start over on even ground with integrity behind us and then we will

HON. D. H. BOSTOCK (CONTINUING): succeed. If we have to carry on with the cut-throat style that exists now, we will never succeed. All we are doing is causing problems, adverse publicity and lastly ruining our country.

Now, Mr. President, if the press is willing to start, I am willing to start. If they want to continue the cut-throat, I can continue it. But we are sensible people, Mr. President, we have succeeded in bringing our country to this high level and this is a competitively small problem with a few people involved and I see no reason why, if properly approached, the press cannot be a great help to this country and that our country will be proud of the press that we have.

Mr. President, the press must not publish what they hear on the dirt roads, Sir, or the rumours they hear in the bars or somewhere else. They must get the facts. They must give Government an opportunity to finish something, but before you start it they are into you and if they do not get it one way they will get it another. Then what happens, what is the end result - something that is not accurate. We do not want anything to cause problems.

Mr. President, I support what the Member said, Sir, and I appeal to the legislators and to the press that we start over fresh on a high level with dignity and integrity, honesty and everything else.

Mr. President, some mention was made about the Caymanian Protection Board. The Protection Board, Mr. President, has not got an easy job. As a matter of fact it is a very difficult task because you are dealing with people. You are dealing with people's lives and their futures. There are going to be delays because we have to make thorough checks on people and sometime it takes a while. If we do not do it, Mr. President, but haphazardly let people in without these thorough checks the next thing you get is a letter asking why such and such a person was let in, whether his background was checked or do you know so and so. We are trying our best, Mr. President, to avoid these mistakes and we must take our time about it. Anything done in haste is not done properly, Sir. It is no good.

At times the Protection Board has nine or seven hundred various applications before them. And these people are not full-time employees. They are having their work to come and sense we for little or nothing. It is a sacrifice. Of course, Mr. President, at times many decisions are made, but there is a means for correcting those wrong decisions namely by appealing.

Mr. President, the Immigration Department itself is always subject to much criticism, but these again as I quoted a while ago the number of people they handled in this country during 1982 - 18,000. This is not an easy job and all the records that have to be kept and the demands for information is not easy.

I am sure, Sir, the introduction of the computer will help immensely and we will continue to do our best to keep the machine going. But, Mr. President, do not misunderstand me for I am not trying to shelter them in any way, but we are not far ahead of other territories. The United States of America itself is three years behind in their immigration records.

Radio Cayman, Mr. President. There has been no change in the policy since it was instituted. It is a Government run organisation. We do suffer at times in staff changes, staff problems and so on, but nevertheless, Sir, I think they have done a fairly good job in getting across the information to the people and keeping the people informed. Here again, Mr. President, for the benefit of Members, the public, the Chamber of Commerce and everybody else, there is no intention of trying to muzzle Radio Cayman or taking off the programme "Open Line". We have difficulties just like everybody

HON. D. H. FOSTER (CONTINUING): else. Sometimes things do not work the way we want them to and we will find that we cannot guarantee that every Monday night that will be on, but then absolutely no intention, suggestion or anything else to take that programme off the air. This House knew what took place last year, right here, about that programme. I stuck out for it and it is going to remain that way.

Our Prison, Mr. President. When it was in the pipeline and we got support around it, it was designed as a rehabilitation prison. A prison whereby the people who were punished would come back but attempts and live in a community without risking from it. Mr. President, it is known as the Government Hotel. I am proud if it is run as hotel, Sir, because it means our people are well treated in there and it means that we are complying with all the Human Rights Conventions, the U.N. Conventions and everything on that. We can never be blamed for breaking any of them.

Mr. President, before we had that prison this House was screaming and hollering to bring our people from Jamaica where they were treated like dogs. They were eager to build our prison and we have done it, Sir, and we have done a good job. I think the fact that they are out there in seclusion, they are paying the price. That is their debt that they are paying.

Mr. President, the only thing we can do is to treat them reasonably well, work them reasonably hard and let them come back out into society as normal people.

Mr. President, the Police Force, Sir. Thank God with all that has gone on they did not completely lose faith and their moral did not sink to the ground. I feel today they are on the upward trend again and I look forward to Mr. Braithwaite's detailed report in which I have he will recommend that we recruit some experienced people from the United Kingdom with good leadership as policemen to put our local people side by side by them until they learn how to make good policemen here, Sir. We can never hope to take young recruits with a limited amount of local training and expect to get a police force and compare it with that of the United Kingdom.

I feel, Mr. President, this irrespective of the cost our ambition should be to build a police force that we can be proud of and have faith and confidence in - people in the force who will deal with matters in our own people and our visitors and, Mr. President, there is only one way as you do it and that is by getting trained people to head it to train our own people.

Mr. President, in conclusion, Sir, I would like to say that our healthy, financial position and our stable position of the country has not been achieved by one or two people alone. And at this time I would like to give credit to all the Members of the Legislature for their contribution and their parts that they have played over the years in helping to contribute to the healthy state of affairs that our country finds itself in at this time. Mr. President, I make the plea that they continue to work closely together and closely with the Government.

Mr. President, I thank you, Sir.

MR. BENSON O. EVANS: Mr. President, in my contribution to the Budget Debate last year I said that in my opinion the Financial Secretary in his maiden address to this honourable Assembly had demonstrated that he understood the circumstances on which the economy of this territory exists. In this address he has confirmed my original view and I would like to compliment him on his perception. It would not be expected, however, that I will agree with him in every detail.

MR. BERNON O. BRANCH (CONTINUING): There should be no argument, Mr. President, that our economy is a fragile one and needs to be nurtured and handled carefully. One only has to glance at the estimates of revenue for 1984 and it will be readily seen that well in excess of 50% of the budget is represented by import duty, revenue stamps and fees - areas all closely linked and interwoven with our fragile economic components of finance, tourism and the resultant construction industry.

If spin-offs from these sectors are taken into consideration, the figure becomes even more startling. So, Mr. President, to say that the integrity of the Cayman Islands Government is most important, is to put the case mildly. I would suggest that the integrity of Government is all important to the well being of this territory. Permit me to say, Mr. President, that in my opinion had the Hedges' Report been published as some Members of this Assembly wanted it to be (the open approach and justice must not only be done, it must be seen to be done or appear to be done), clarity would have been more available.

I believe too, Mr. President, that some of the recent legislation that has been promised would have been better left alone. I think we should remember that the good Book says, "By their deeds ye shall know them".

In recent times, Mr. President, the word 'tenure' seems to have become a very popular word in the vocabulary of this country to cover a multitude of sins. To use that the incidents which occurred regarding certain occupation licences, especially in the financial sector, were rumours, is in my opinion, Mr. President, an understatement. And the Financial Secretary's assurance that the policy has not changed seems to me a bit hollow without a clearly enunciated policy from Government on this respect. It is however, Mr. President, reassuring to note from the Address the awareness that other countries have made irreversible errors when dealing with this matter and one hopes that history will not be repeated here.

I can also accept that it is difficult for Government to enunciate a clear policy on this matter until the final outcome of the Committee, now studying the Companies Registration Law, is known.

Mr. President, it should really not come as a shock that journalists thrive on sensationalism. This is an accepted fact and I am of the opinion that in many instances the negative publicity which the Cayman Islands received in North America is purely self-inflicted although in some instances the articles showed a complete lack of understanding of what a financial centre is all about, and even in some instances of business transactions.

Mr. President, it should not really come as a surprise, but when a country like the United States of America is going through a recessionary period facing its highest budget deficit ever, that if every time a magazine is opened or a newspaper is looked at one is struck in the face with an advertisement about the fact on the benefits of a secret account in the Cayman Islands, it should be no surprise that certain eyebrows would be raised at these items.

Mr. President, the most telling aspect of the whole affair as far as I am concerned is the fact that it came through loud and clear that Government now accepts the truth that our economy follows the rise and fall in the economy of the United States of America. It is a further truth, Mr. President, that the United States economy dictates the entire economy of the free world. The time delay for various countries might be different, but ultimately all are affected by what happens in the United States with very minimum exceptions. It was therefore a bit of a surprise to me, Mr. President, that towards the end of the Address the verbal brickbats, as I will call it, was given.

MR. DENSIL O. McNARY (CONTINUING): It is my opinion that these sentiments would have best been conveyed through diplomatic channels on a Government to Government basis.

We complain about bad press, but I wonder what will be the result when that harangue reaches the United States' public after being sensationalised by the press. It is my opinion that negotiations on these dollars matters thereafter will be much more difficult. To me there is nothing more dangerous than to bluff and con anyone in their wildest imaginations, imagine these Islands declaring sanctions against the United States of America? What could we do? Refuse to accept their tourists, refuse to accept their financial business, refuse to buy their goods? The thought of it to me, Mr. President, is ludicrous and I feel that the point could have been made more to our advantage on a Government to Government basis.

Now, Mr. President, it would be repetitious for me to go through each heading in the Financial Secretary's address and I intend to overcome many of my colleagues today by being very brief.

On the topic of the Estimates presented there is not a lot to quarrel with although I accept them as purely estimates. For example, it readily comes to mind that the Civic Centre for Sudden Town was supposed to have been budgeted for in 1983, but in the final analysis we found that during 1983 we had to vire funds that were in the budget for the East End Civic Centre and then in the 1984 Budget we find a further sum again of CI$132,000 for the completion of the Sudden Town Civic Centre. So I am treating the Estimates as what they are - estimates.

I wish to comment, Mr. President, on a few heads within the Estimates themselves and of course coupled to the Budget Address. It is very encouraging to note, Mr. President, that debt servicing charges for 1983 amounted to $7.4m million and in 1984 is estimated at $7.3? million whilst the Lottery Board alone in 1983 was able to contribute $1.4m million to revenue (which is a sum, as can be seen, larger than either of these debt charges).

Head number 2, Mr. President, Internal and External Affairs, item 02-054 - $210,000 for Cayman Islands Information Service Grand Cayman and Miami. Mr. President, I must be consistent in my position on this issue. Earlier this year in August I think or before, it was made clear that I would only support funds for the Cayman Islands Information Service if it was established as a Government Department and I am still of that opinion. I would recommend that the Cayman Islands Government Information Service, as an instrument for disseminating purely Government information, cannot be operated more successfully as a Government Department.

The other thing about this vote, Mr. President, is that as will be seen from the Minutes of the Finance Committee held on the 26th of this Month only a few days ago, this item was not resolved and that it was to have been brought back to Finance Committee. And therefore, Mr. President, this item will come in for some heavy debate, I am sure, in the Finance Committee on the Estimates.

Head 10 - Finance and Development, item 07-044 - $50,000, London and other special conferences. Again, Mr. President, I must question whether such a conference as I understand is envisaged, is essential and I wonder whether we need to go to this special length to publicise our money in the United Kingdom and Europe when we are so well represented already, or when Europe and the United Kingdom are so well already represented in these Islands through international banks and trust companies, international banking firms and the rest of it.

I believe, Mr. President, that this is

MR. BENSON O. SMITH (CONTINUING): some of our problem that we are attempting to boast of our success. If we went quietly along and did our own thing we would draw less fire.

Under the same Head, Mr. President, that is Head 10 - Finance and Development, there is an item $1,000 subsidy for Cayman Airways on the domestic route and the explanatory note says it is considered desirable to reinstitute subsidy in respect of the Inter-Island route. What I fail to understand, Mr. President, is the value of this subsidy to the airline. According to the report this is only a very small fraction of the loss that is encountered on the Inter-Island route and in any event, Mr. President, it is difficult for me to see how the loss on the Inter-Island route is any different from the losses on the international routes; particularly since, as far as I can establish from these estimates, the interest and principal on loans made by Government to Cayman Airways are not being paid in accordance with what I understood to be their agreement and the repayment schedule. So I fail to see the relevance of that subsidy. Maybe there is an explanation.

Under Head 12 - Tourism, Aviation and Trade, there is an item for $60,000 - Trade representation in the United States of America. Mr. President, I wonder if we would be told of any direct benefits received from this expenditure?

On a purely district level, Mr. President, I am disappointed to see that in the capital expenditure no provision appears to be made for a boat-launching ramp in West Bay. It was my understanding that when the ramps were built in East End and George Town that the plan was to have at least one in each district and I would have hoped that West Bay's turn would have been reached this year.

There are many funds under Lottery and Drake or something like that, Mr. President, and there is a note saying that it is for the North Church Street somewhere. But, Mr. President, I would hope that this does not represent a further sum for George Town at the expense of us not having one in West Bay. And I hope that when we get into Committee that the honourable Member will be agreeable to have funds included for a launching ramp in West Bay. It is badly needed, it hardly is in the best interest of the people of that district to have to come to George Town to launch on an already over-crowded facility and it only adds to the already congested traffic and time around the George Town facility.

I am happy to see, Mr. President, that provision is made in the estimates, both for the purchase of land by Government and for district playing fields. And I trust that this figure, Mr. President, includes money for the purchase of the additional land in West Bay as well as for the development of the land into playing fields.

We are badly in need of additional playing areas in the district Mr. President, and we ignore them only at our peril and to the disadvantage of the youth of the district. Maybe this is a fitting place to say, Mr. President, that the format of the budget (I realise that it is limited as to what one can put in) and the information which is given in the explanatory notes is much more brief than in the past and you find them more difficult to follow.

I note, Mr. President, a token provision for technical and vocational school building under capital expenditure and if I might be permitted a word on learning generally, Mr. President, my one criticism of this area would be of the fragmentation at this point in time. I believe the time is overdue for all learning facilities to be brought under the general umbrella of the Education Department.

Mr. President, I trust that the sub-fire station at Frank Sound for the Eastern Districts will be quickly followed

MR. KEVEON O. KEARNS (CONTINUING): by one in the West Bay area to sanction this district overlooking the relative parts of the Seven Mile Beach.

I have not been able to find, Mr. President, where any provision has been made for the care of the quintuplets in the country and I would have expected to have seen at least a token vote for this in view of the assurances given to this House on a result of the Private Member's Motion on this subject at the last Sitting. And again I trust, Mr. President, that the Honourable Member responsible will be responsive to inserting something for this at Committee Stage.

To revert a bit to Head 29 - Public Works Department - Maintenance of Roads, $223,500, Mr. President, I must question whether this vote is really realistic. I believe that the West Bay area alone could use that amount and it certainly does seem small compared to what I recall the actual figure for this year, that is 1983, to have been.

I look forward, Mr. President, to the Committee Stage on the Appropriation Bill where I anticipate further elucidation on many of the items appearing therein and where I understand from the Address that the computer memory stores such facts.

I have no doubt that the introduction of the computer will prove a valuable tool over the years and as we go along I am sure that the estimates will become more and more comprehensive, more and more autonomous and that we will be able to see quickly at a glance all that is in there.

Mr. President, I promised a surprise and that concludes my contribution to the Budget debate. Thank you.

HON. D. MARK KIRKCONNELL: Mr. President, the Budget before the House is the largest in the history of these Islands, but it is also one of the best that has ever been presented to this House. It is for a total sum in the region of $80 million.

One Member tentatively seemed a little alarmed that Government's expenditure had risen by 66% over the last three years. This is something we should not be alarmed about, but we should be thankful for because while the expenditures have risen, the revenue has also risen and there is nothing wrong with spending money when you have it because money like an education is no good unless you use it. There is no use having money in the bank and dying of starvation or depriving your family of the comforts which they should have. The only time a Government needs to be concerned about the expenditure is when it is spending money which it does not have.

For the last seven years the Government has spent money which it has money which it had received in revenues. If one looks at the budget one will see that while the Total Estimate is a large one, it is also projected with a surplus at the end of 1984 and that surplus balance if all things remain well should be $575,772 or a sum in excess of half a million dollars.

The revenue which totals nearly $80 million is made up mostly of local revenue, a figure of $54,042,000 in addition to an estimated balance or less an estimated balance at the tax of January of $1,412,772 plus non revenue measures of $1.5 million and of course plus the $1,287,500 in loans. So it is indeed a good budget and there is no cause for concern.

If one further examines the estimates one will see that next year's revenue is divided into three almost equal shares. One-third of the $80 million or $12.8 million will come from import duties. One-third of the revenue or $27.1 million will come from the financial community - banks, insurance, trusts and general companies including revenue stamps from the sale of land and postal stamps. And the other one-third of the revenue will include the $1 million loan from Caribbean Development Bank, the money from tourism

HON. G. EALD ROBERTS (CONTINUING): and all the other taxes which are collected. So there is really no reason for concern because the estimated revenue next year is coming from reliable sources which have been tested over many years - $24.4 million from import duty, $21.1 million from the financial industry and $14 million from all other sources.

So if we look at the three divisions of revenue and look at the past record of the performance of these areas of revenue, one can see at a glance that there is absolutely no reason for concern. Suppose even if the stable Government which we have should end in November next year at the General Election, we would have accumulated eleven-twelfths of the year in a responsible fashion. So in my mind there is no doubt at all that these estimates are not only a very good prognostication of what is to come, but that the performance will live up to the expectations of the Financial Secretary.

Also included in the expenditure for next year is an increase in the Civil Service. This is reasonable when we recall that salaries already account for one-third of Government's expenditure.

Before I go on to prove the point that we can warrant an excellent performance, I would just like to say in passing that the Member who raised the concern about the increase in the expenditure also himself sought the indulgence of the House in spending even more and providing even more services for his constituency. And you cannot have your cake and eat it. If we want to cut the expenditure we can do it, but each Member will then have to say, "Well I do not want this in my district.".

The two Members from Cayman Brac, one of them spoke about the alarming increase, but between these two Members they advocated the following. Increase in the road vote for Cayman Brac. They supported the introduction of the jet service. One of them hoped for a programme for farm development and cattle improvement in Cayman Brac. They want more labour intensive projects to help with the unemployment because of the slow-down in the oil industry. Facilities for handling of passengers. A second medical doctor. A husband and wife team for recreational programmes. So the budget must increase every year if each Member rises to ask for these things. But I agree that Members should come and ask because as I indicated earlier money is to be spent and there is no better time to spend the money than when you have a surplus.

I believe it is right to provide the water and sewage facilities and to provide the new terminal and to do all the other things which the public wants, remembering that although we are putting forward a $60 million expenditure we are also providing the means with all to make this expenditure possible with a surplus at the end of the year. And in addition to all this we have an $11.2 million reserve which, if our revenue should not come up to our estimates, we could always go back to this $11.2 million reserve which is set out here and which has been accumulated in the same years since 1974.

MR. PRESIDENT: I wonder, I imagine the Honourable Member intends to speak for some substantial further period. Would this be a convenient moment to take a break or .....

HON. G. EARL ROBERTS: No, Sir, because I intend to speak for the remainder of the day. (Laughter)

MR. PRESIDENT: I do not know whether that is a promise or a threat, but I think perhaps if we might break for fifteen minutes now I will suspend proceedings accordingly.

AT 11:30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:40 A.M.

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

HON. C. ELLIS DODGE (CONTINUING): Mr. Speaker, the finances are in good condition with a comfortable reserve in excess of $11 million. And I mean that this reserve fund will not be eliminated over the years to come, but that it will continue to rise as it has risen since 1972. We can only look at past experience and say that if things remain constant the future should be nearly equal to the past.

We take a look at how Government's reserve funds have built up since 1970. In 1971 the reserve funds stood at less than $1,826,000 which was a 15% decrease over the 1970 figure. So that up to 1970 even the two years of Conservative Government, we only had succeeded in making a reserve fund of less than $2 million.

In 1972 the fund rose to $1,082,000. In 1973 it stood at $1,606,770 and then ran a phenomenal increase in 1980 when the fund stood at $6,371,952. In 1982 the fund stood at $10,804,407 and as you see here that the latest figures are that the reserve funds, which were practically non-existent before 1970, now stand at $11,026,077. So there has been a steady increase over the last seven years and in fact the increase has been in excess of $1.5 million per year. To give the exact figures it has increased by $1,575,838 over the past seven years and that is why I believe that if Government continues the policies it now has for the next seven years, we should not worry about the reserve fund.

Neither should we be concerned about whether the Government will be able to make its estimates next year. If we look at the past performance we will see that we should end 1982 with the surplus which we have anticipated because we have a great deal reason to gain.

It is estimated in these Estimates that at the end of 1982 we will show a surplus revenue balance of $102,---. And I think we will do exactly that. If you look at the past performance you will see that in 1974 Government ended the year with a deficit or they had a deficit of $107,000. The 1976 results were even worse when we ended with a deficit of $2,430,704. But the next years starting in 1977 have been applied over since. By 1977 the deficit had been reduced to $988,120. Then we had the years of plenty. In 1978 we had a surplus of $1,006,208. In 1979 that phenomenal achievement had been surpassed and the surplus had doubled, more than doubled in fact, to $2,747,447. And then in 1980 another miracle occurred when the surplus increased to $3,330,321 and we are projecting that the 1981 estimates will be $174,773. We have no reason to believe that this estimate will not be reached.

The true performance of the Government's spending can be measured in its capital expenditures. This year's capital expenditure will be in excess of $24 million with more than $11 million, nearly $12 million, coming out of local revenue without borrowing. In other words we expect that to fund the majority of the capital projects will be accomplished from money which we have rather than money which we will borrow. How do we do this? I believe we can because we have a good track record in the last seven years where our capital expenditures were made with more money from local revenue than from borrowed money. This had not been the case with the Government prior to 1975 and an analysis of the figures will show you this.

In 1976 we spent on capital expenditure from local revenue, $1,580,771, but we borrowed in that year $2,999,344. In other words in 1976 our capital projects were accomplished by using more

HON. G. RAY BODDEN (CONTINUING): borrowed money than by using money that we had. In 1975 the story was the same. In 1975 we spent $1,971,673 from local revenue, but we borrowed for capital projects $4,857,961. In other words for the second year we borrowed more for capital projects than we spent money that we had. And again in 1976 the story repeats itself. In fact it gets much worse because by 1976 we borrowed twice as much money for capital projects as we spent from local revenue on capital projects. In 1976 we spent $1,084,502 from local revenue on capital projects, but we borrowed $2,030,672.

From 1975 onwards this pattern of borrowing more for capital projects than you could spend out of money you had saved changed and from 1977 onwards instead of borrowing more money we avoided spending more money than we had rather than borrowing it. And the figures are truly phenomenal. In 1977 we spent from local revenue on capital $1,910,020 and we borrowed for capital projects $636,600. So that while in the previous year we had borrowed twice as much as we had saved ourselves for capital projects, in the following year we spent three times as much as we borrowed. In 1978 the situation had improved again and in 1978 we spent four times as much from local revenue than we borrowed. In 1978 we spent $1,038,660 from local revenue on capital projects and we borrowed $500,000. In other words we spent four times as much as we borrowed for capital projects.

In 1979 there was a dramatic increase again when we spent from local revenue on capital projects $3,081,577 and we only borrowed $930,041. In other words in 1979 we spent 12.3 times as much on capital projects than we borrowed. In 1980 the good story continues again when we spent $5,910,788 from local revenue having borrowed $681,197. In other words in that year we spent 8.5 times as much from local revenue than we borrowed.

The drama continues. In 1981 we spent $10,918,787 from local revenue and we borrowed $1,009,920. In other words in 1981 we spent 10.8 times as much money on capital projects than we borrowed, paid with cash that we had in hand. And the story continues. In 1982 we spent $10,851,780 from local revenue on capital projects and we borrowed $837,000. In other words we spent 12 times as much on capital projects out of local revenue leaving none of this behind for future generations to pay, but spending it out of cash that we had accumulated. So that is why it is reasonable to expect that the projections for 1983 of spending $11,717,000 from local revenue, can be met. And we will borrow $4,388,356. In other words in 1983 we will be able to still spend 2.5 times as much from local revenue than we will spend from borrowed money to complete our capital projects. So the performance is there and the figures in the Estimates are justified by using a track record which has been proven.

Furthermore, if we look at this estimate we will see how good the performance has been in that the long term debt remains at a figure which is easy to manage and at a figure which is easy to service.

Our public debt at the 31st of December, 1982 stood at $8,530,721 which is about the same level which it stood at in 1976. But what has happened is that the local revenue has multiplied many times and therefore it now takes a smaller percentage of the recurrent revenues to service the public debt. I have not done the calculations on this myself, but it will probably take something like 2.7% to 3% of the revenues to service the debt and this is a good position for the Government to be in.

If you want to look at it another way you will understand how prudent the borrowings of the present administration have been. In 1976 our public debt stood at $7,397,730 which, at that time was 62% of the local revenue, because the local revenue was something in the vicinity of $12 million. In 1982, as I mentioned

HON. G. HAIG BODDEN (CAYMAN): earlier, the public debt stood at $2,328,752, but instead of being 65% of the local revenue it was only 10%.

Mr. President, I understand that some of the Members of the Legislative Assembly may want to attend the Rotary lunch. I personally would like to go.

MR. PRESIDENT: I have been told that. If that is indeed the case then it would be convenient to suspend proceedings a little early today. I would gladly do so to enable Members to go to Rotary.

What about resuming? Would 2:00 o'clock or 2:15 be convenient? Would that be convenient for Members generally if we suspend proceedings now and resume at 2:15? It will give the Member time to catch his breath no doubt.

Very well then, proceedings are suspended. We will resume at 2:15.

AT 12:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:21 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Honourable Fourth Elected Member of Executive Council.

HON. G. HAIG BODDEN (CAYMAN): Mr. President, between now and the coffee-break I think I ought to address myself to some of the important messages contained in the Budget Address and then hopefully after the coffee-time I will be able to deal with a few of the queries that have been raised about my portfolio and perhaps come to answer a few of the queries on other matters.

On the very first page the Financial Secretary found it necessary to say, "It appears sensationalism has now reared from the pens of some journalists in an attempt to sell many copies of magazines and newspapers. There are those persons who, strive to improve their careers by damaging the good names of other individuals and countries.".

The Honourable Third Official Member made his remarks quite mildly because the situation is much worse in actual practice than can be gleaned from this very courteous report on what is a serious situation in this country.

I have always understood the role of the press to report the facts, the news stories as they happen with fair comment on the facts. We have a situation where our press in Cayman is run, at least a portion of it, by fraternal people who, having legs in their arsenal to govern the country through the legislative process, now try to do it through the media. This is a sad situation.

All organizations or institutions disciplines there within the organization who do not toe the line of honesty and integrity. Lawyers, doctors, whatever they are, will not tolerate amongst their ranks those who do not project a good image. Sadly in our situation the press will tolerate those who do not maintain for the press a good image. There are indeed a few responsible journalists, but there are those who make it a habit of carrying what is called the "mail bag column", which is not even rumours, but stories which they have fabricated themselves and then to put forward as the factual truth. And in the next week's issue it appears, as printed yesterday, in our Daily publication or our sister

HON. G. MAYE ROBSON (CONTINUING): publication and the public gets the idea that these things are true, but it is nothing but malicious and vindictive gossip. This is a sad situation.

... but even what is more alarming are the untrue stories which were portrayed in the newspapers in opposition to a Bill which other Members have supported on - a Bill which has been temporarily, I hope, withdrawn from the Assembly. That Bill was the Defamation Bill. That Bill simply seeks to help the newspapers to report the truth without damaging a person's character. The amendment to the Bill, had it gone through the House, would have removed the privilege whereby newspapers cannot repeat lies without bearing the consequences of reporting those lies. In other words the amendment would have brought the press in line with the European Convention on Human Rights. The European Convention on Human Rights gives everybody freedom of expression. Everybody everywhere should have a right to freedom of expression - this is the Convention on Human Rights.

But this Convention goes on to say that the freedom of expression is limited to not injuring another person and if your expression injures another person, the Convention on Human Rights says that you should be subject to the laws of slander and libel in the country. Some journalists want the right to freedom of expression, but they do not want the responsibility which goes with that freedom. They do not want to be limited for not injuring another person. They want the right to report a story whether it is true or not and certainly this would not be right because they would be infringing the rights of the masses of people who would have no recourse to sue the press if they reported a slander from a public meeting. On the other hand if a person had attended that meeting and taken out that slander and published it, that person would be subject to the laws of the land. Yet the newspapers do not subject and the newspaper cannot be sued under our existing law if it reports a slander which came from a public meeting. I understand that such a privilege is not extended to the press in any of the Commonwealth countries although it does exist in the United Kingdom where we have a much older or much more mature press and I must say much more responsible journalists.

I am not going to anticipate the other Bill which will come up for debate, during the second reading of the Customs (Amendment) Bill, but I only want to give notice that I am asking the Legal Department to take action against those people who sent me a gift on the morning of the opening of the House in an attempt to influence my thinking on these two Bills. And I refer, Sir, to section 16(1)(e) of the Immunities, Powers and Privileges Law of the Legislative Assembly which says that anyone who, "offers to any Member of the Assembly any bribe, fee, compensation, gift or reward in order to influence him in his conduct as such Member, or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rules or things submitted to or intended to be submitted to the Assembly is guilty of an offence and liable on summary conviction to a fine not exceeding $100 or to imprisonment for a term not exceeding 9 months' months or both.". And I am hoping that the Legal Department will see fit to prosecute those who sent me a Customs wrapped gift of a newspaper which is intended to influence my vote on the Customs (Amendment) Bill as well as two other mundane gifts of the Tom'Wonder and the Cayman Kind Book. This is a serious matter when attempts like this are made to influence the Members of this Legislative Assembly and is contrary to the Immunities, Powers and Privileges Law. It is time that a stop is put to dirty politics in this country.

The Honourable Financial Secretary in his Budget Address made an announcement that the policy concerning Work Permit Occupation ... Government or work permits has not been changed. I believe one Member said that it was a hollow statement simply to say that if he

HON. G. HAIG HODGES (CONTINUING): did not go on with the proper annunciation of the subject. But it is more helpful to imply that the policy has changed when the Member has not offer a single example of any change made to it and therefore should not have quarrel this statement unless he himself in his own words wanted to propose an amendment which would have clarified what must be his implied thinking on the matter.

The Caymanian Protection Law is under revision now and because it is still in Select Committee I am not able to comment on it, but it is fair to say that there has been no policy change with regards to work permits.

The Honourable Chief Official Member mentioned the increase to date of the licensed banks and trust companies which is expected by the 31st of December. And this is important to us because I pointed out earlier that one-third of our revenue comes from this source and another Member had mentioned quite correctly that about 1/3 of the revenue comes from this particular source as well as postal and stamp duties and other fees which he mentioned. In other words our economy depends upon the banking business and upon the business which comes from consumer goods imported when the economy is vibrant and naturally also depends upon tourism. The affairs of tourism have been mentioned in this session. There has been a good increase in the number of arrivals, not that this figures themselves show such a large increase, but when compared to the other countries in this region who are our competitors it can be seen that these Islands are still an attraction holiday resort.

I have always supported tourism and as other Members have been issuing warnings on different topics, I would like to say that as I see it, tourism can be a two-edged sword. There are two problems with tourists. One, they do not come or they do come to visit a country. If they do not come that is a serious problem - you have hotels going bankrupt, you have businesses which depend on the tourism going bankrupt, you have a reduction in the economy (Government's revenue) and if the tourists do come there are still problems. One problem is that they may come in large quantities - Government has to hurry and the private sector has to hurry to provide the facilities to accommodate them (to build hotels, to have transportation, sightseeing facilities, restaurants and so on). But the tourist can also present a country with serious problems which are not insurmountable and which we in Cayman have coped with fairly reasonably. The problem of which I speak is a very subtle problem. It is a problem of the non-acceptance of the tourists by the local population. But this can be corrected by educating amongst the local population on acceptance of the tourist for what he really is because the tourists when they come in large quantities means that there will be education for the children here, there will be medical facilities, these will be made all paid for by the tourist dollar.

It has not occurred on the Cayman Islands, but on some of the Caribbean Islands tourism is looked upon as slaves superimposed upon the country. This came home to me last year when I went on a study cruise to some Caribbean Islands and one of the ports of call happened to be Grenada. The passengers of the ship were not able to get out of the gate because they were surrounded by swarms of hungry children and adults in rags either begging for a dollar or offering a very shoddy product for sale. What if a tourist showed an interest in the product and wanted to buy it market or a hat which was of an inferior make, before he could purchase it the vendor was pushed out of the way by three or four other who were trying to get the business. We are fortunate in that we have not had this here, but I wonder how often you have heard responsible intelligent people say, "My country is being sold to the foreigner", or

HON. C. RAIG SODDEN (CONTINUING): "My country is being sold to the tourist". And I believe that the people who say this, for whom they be, say it in ignorance and it is the Government's job and the job of the people in the tourist industry to not only sell the Cayman Islands to the tourist, but they must also sell the tourist to the Cayman Islands. This is a job which has been taken seriously by our Department of Tourism. The little "need to see you in the Cayman Islands" button has gone a long way. So have the campaigns. Last week I attended a function (it might have been this week) where awards were given by the Hotel Industry to four people who had worked well and a long number of years in the tourist industry (in the hotel business mostly) and this is an annual event with the Hotel Association and they ought to be congratulated on it.

In 1977 Government set up a committee which comprised of many people from the private sector to examine what could be done for the slack months of the year when tourist arrivals seemed to be low. This committee came upon the idea of an event which they called "Pirates Week".

There is no single event which has received more adverse comments from a small minority, but there is also no single event which has done more to foster a good relationship between the tourist and the local population. And there is no event which, in recent years, has done more to foster a good relationship between the people of the Cayman Islands. It is disgusting to hear that in this event (which is mostly in fun) that we are celebrating piracy. And even if we were, piracy had been a part of the history of these Islands just the same as slavery had been a part of the history of the entire Caribbean. And whether one likes what happened in the past there is inevitably no way of changing events that have gone before.

Sometime ago somebody suggested that the name "Pirates Week" be stamped and anything would be fine. I do not believe that would stop the critics. If that was called "Holy Week", "Handicap Week" or "Hurricane Week", the critics would still find something wrong with it.

I, in the beginning, was one of the Members in Government who voted for the establishment of Pirates Week and I have no apologies to make for it.

The development of agriculture in the Cayman Islands seems to receive from the public a resurgence of good faith and the Honourable Financial Secretary in his Budget Address mentioned the part played by the Agricultural and Industrial Development Board which is a mini-bank set up by the Government, funded by Caribbean Development Bank, for the sole purpose of lending money to farmers, fishermen and other entrepreneurs in the tourist industry.

I am heartened to see that total loans now stand at $450,000 and that figure represents a 100% increase over September of 1983. The Member may perhaps want to stress the improvement in livestock and certain other schemes which are going on, but no individual can farm or do any other business unless the money is made available. He must have the capital and, as I said in a public meeting in Bodden Town this week, the capital comes from either saving the money or borrowing it.

People who are more annual now because they normally just earn enough to meet their recurrent expenses and even Government itself cannot provide all the amenities which are needed simply by taxing for it. They too have to go and sometimes and get loans which will enable them to carry out their capital intensive projects. So it is much more difficult for the farmer to buy a few head of cattle or to develop his land without the use of capital. And this is a good move.

I mention this because when the Government

HON. G. BLIG JONES (INDUSTRIES): was negotiating with Caribbean Development Bank to set up the Agricultural and Industrial Loan Board, the Government came under heavy criticism from one particular journalist saying, 'What are you going to do with an Agricultural Bank when Government will not stop the importation of onions and potatoes from the United States of America.'. So it is a good thing that these Islands is not governed by the press, but governed by sensible, intelligent people who have passed the severest tests - that of winning a general election.

As far as the Cayman Islands are concerned, the visit of Her Majesty the Queen mentioned on page 3 of the Budget Address was the most important event or one of the most important events in the history of these Islands - important to me in that it came in my time and perhaps important to all Caymanian people in the Cayman Islands who were alive in February of 1953. And regardless of what the critics may say about the visit, I believe that the image of the Cayman Islands has received a halo from the visit of Her Majesty. And I do believe that Her Majesty herself and the Duke of Edinburgh were impressed with the reception which they received from the loyal subjects of the Cayman Islands.

Of all the events which took place over the last seven years, none have done more for improving the lifestyle of the Cayman people than the attention paid to training of people to prepare them for certain jobs.

I was heartened today at lunch time to know that the guest speaker at the Rotary Club was a gentleman whom the Government has brought in to examine with us the establishment of a college of the Cayman Islands, dedicated to providing services for people here. I am glad to report, Sir, that although we listened carefully, neither the Third Member from West Bay nor myself was able to get any idea from the speech as to what he found or what he will put in his report. But he seemed to be a man with a full knowledge of the job having been engaged in the establishment of such a college in Bermuda and I trust that his recommendation will find favour in the eyes of the Members of the Legislative Assembly when the time comes to deal with it.

We have here, as set out in the Budget Address, more than the embryo for a technical college. Government has for some time, as mentioned in the Speech, operated the Hotel School. The First Member from George Town made a comment on training of people in the hotel industry and seemed to think that the number currently in training is small. But what I think he overlooked in that these people mentioned for training, these people already in the United States of America, I believe, and Barbados are people at high management level and the other, I think it is eighteen people mentioned in training are people actually being trained on the job in the local establishments. This does include those students who currently attend the Hotel School in Bermuda.

A press release some time ago indicated that since the establishment of the Hotel School, more than 1,000 graduates had passed through it. These were workers in the hotels engaged in the many services which a hotel requires. So the people mentioned in the Budget Speech as being trained in the hotel industry is contrary to what the Member said. A very high percentage when we consider that these are people who will be in top-line management in the hotel industry.

The Marine School is also producing its share of graduates. I understand that many people are taking up navigation now as a hobby so that they are fully able to operate the small boat which they own. The knowledge of navigation can be quite useful to them. Of course there is the higher training whereby Caymanians can

HON. G. HALD DOLPHIN (CONTINUING): go on to mention a degree in navigation and engineering.

There is also the Trade and Building School which gives limited training in the construction industry so that young men can learn some of the rudiments of carpentry and even advance technical stages are taught such as the method of blue-printing and proper blending of concrete and many other areas which before had never been taught in a school here.

There is also the Law School which has had a successful first year with a 100% pass rate for its seven or eight students. Those students have moved on to the second year and another dozen have been enrolled of first year students. These Law students when they leave the school and obtain their diplomas or whatever they will get, will in my opinion be better qualified to practice law in the Cayman Islands than some of those who were not fortunate to have special training here. By this I mean that these students, while studying the theory of English law, will also have the opportunity to study the Cayman law.

When a lawyer comes here from abroad, it takes him a while to become familiar with our laws and to be ready at a slight disadvantage no matter how good his training may have been. And the training which is received by these students will not be inferior to training abroad. They will sit examinations which are comparable. They are article to law firms and Government and they are getting practical experience every week.

The Law School is a costly exercise, but it is well worth the money because as I mentioned earlier one-third of our economy depends upon the direct revenue which comes from the financial sector. In the years to come there is going to be a need for more lawyers than we now have practicing here. This is a step in the right direction.

I would also like to mention that the Community College which existed prior to 1974 is of great benefit to adults who attend. They are able to qualify in certain areas. They are able to continue education which had perhaps been interrupted in the past and I was glad to see the interest which exists in this island with people who want to improve their academic education. In fact according to the press earlier this year, some students had to be turned away because there was not space for them.

Also in training I would like to pay tribute to Cable and Wireless which has trained a higher percentage of Cayman staff than any other business on the Island. The banks and other institutions often have scholarships where students can go to universities abroad and it is in their interest to afford education to local people because in the long run it will be less costly to hire local staff than to have to bring in somebody, pay transport, find housing and of course have to pay work permit fees.

I would not close this part of my speech without mentioning the foundation of education which leads to job opportunities later on. I attended the graduation ceremony at the High School and when I heard the report from the Headmaster, I was very heartened to know that the Government is spending such a large portion of its revenue on education.

Education today is taking the largest bite out of the revenue. The Headmaster entitled his talk, "You never had it so good". And that is a true statement. The children of the Cayman Islands leaving the High School in the year 1982 never had it so good. No group of school children in the Cayman Islands in an earlier year ever had it so good. The opportunities are out there for these people to get jobs; to get more than jobs - to get careers or trades and professions which can guarantee that they will earn a good living.

HON. G. HAIG BODDEN (CONTINUING): The headmaster reminded them that if they graduated from a school in the United Kingdom today, they would not be as well off because they would go out there and join the other millions who are presently unemployed. They can look forward to meaningful employment. This is not to say that every child will be placed in a job the day he leaves school, but certainly even a normal Cayman children have something to look forward to. And of course those who want to go on to a higher education and those who have the qualifications to enter a university are also in a position to receive scholarships or loans from the Government and from other institutions in this country.

So there is a lot to look forward to and even for those who perhaps did not do so well academically, there are the Trade Schools which can give them more training.

I believe that the parents of the children of today have great hopes for their children. Some of them are very proud of the performance of their children and some of the parents, I would say a greater number of them, adopt a very responsible attitude and want the best for their children. This is why it alarms me when I hear rapidian people saying that Caymanians should not have this or should not have that because this is not the feeling of Caymanians. I believe that a Cayman parent wants his or her child to be successful.

At a public meeting the other night I heard a man say, "No Caymanian should buy a Kobie Royce", and that no Caymanian should be successful enough - that should be left for people in other countries. Sad, thankfully, this is not what the real Caymanian is saying. The real Caymanian is saying, "I want my boy to be a doctor, or an engineer or a mechanic, or even if he is a street sweeper I want him to be the best there is". And I am glad that particularly at the High School today there is a very positive attitude in that school. The children of the graduating class, while they have much to be thankful for, are also themselves worthy of high recommendation.

I would like to see Radio Cayman carry that speech instead of those stupid canned programmes I had to cut off this morning when I was driving to this meeting. It is unfortunate to me something that the people, the pessimists, have tried to erode from this country, and it brought back something which we ought to have and to cherish.

MR. PRESIDENT: If the Honourable Member has reached a spot of natural pause, I wonder whether he would like to have the coffee break about which he spoke earlier or whether he would rather go on for a few minutes first.

HON. G. HAIG BODDEN: I would say, Mr. President, that I would rather have my coffee break at all because I promised to finish at 5:30 and it is going to be difficult if I have a coffee break, but I will try to finish at 4:30.

MR. PRESIDENT: Well suggesting Members go individually for coffee as they wish rather than a break. I do not mind.

What does suit you. Would it be the wish of the House to have a short break now. Is that inconvenient to the ..... if it would be more convenient in five or ten minutes time that is .....

HON. G. HAIG BODDEN: No, I would suppose that since the Members have heard about the coffee, it is better that they take it now. They would not listen to me anyhow. (Laughter)

MR. PRESIDENT: well we will hold them not to be too long otherwise you may keep them here until after 6:00 o'clock tonight.

MR. MARCUS EVANS: Tomorrow is not touched, Mr. President.

MR. PRESIDENT: Just a short break.

AT 3:31 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:40 P.M.

MR. PRESIDENT: Please be seated.

I have received the message. The Honorable Ralph Elected Member of Executive Council.

HON. G. RALPH WILLIAMS (CONTINUING): Mr. President, the Budget Address has highlighted the amounts paid to social services in these Islands. If one examines the actual figures, one will see that each year an increasingly higher amount is allocated for social services - not only the Government but the private sector has been supporting Government in its efforts to take care of the less fortunate people.

The recent completion of the Girls' Home is one of the highlights of this year's efforts by the service clubs, the continued use of Bonaventure, the recent agreement of the Lions Club to build a huge swimming pool for use, and under the supervision of Govt. are to be commended. I could go on and name the many projects carried out by interested people anxious to help those who need help.

Recently special emphasis has been paid not only to social, but to cultural development on the Island and the Government would like to recognize the gift made by Mrs. Lamquet who is a private citizen and which gift has enabled a theatre to be built and has also provided land which is to be developed for the benefit of the Island as a whole.

Since I am limited in time, I would like to direct the attention of Members to the Budget Address again. There this year no special mention of the Public Works Department which means that they have arrived. One writer said that you can know when a man has become successful because he no longer seeks publicity. And so it is with Public Works. But while no specific paragraph in the speech has been devoted to Public Works, if you examine the speech you will see that Public Works is mentioned in every page of the speech. Now compile if you took under Capital Items you will see the amount of capital projects that have been completed in the year over the last year. All of these projects have been the work of Public Works.

If you look at the hospital and see the many projects completed there you will know this has been the work of Public Works. If you look at education you will see the hand of Public Works. Even where is simple matter of walk-ways at the school, you know the hand of Public Works has been there.

Public Works has recently come under new management when a young Caymanian took over as Director in the Building Scheme. We also have another qualified engineer who took over as manager. We can certainly use more local expertise, but the individual must get his training and must be willing to qualify for the job.

I would like to see Public Works strengthened with more supervisory and would also like to see the foreman on the jobs actually directing the jobs. I believe one of the criticisms of Public Works is that they simply do not have enough supervision for the many jobs that they have. They have a building supervisor and it is impossible for him to visit eight or ten sites every day where work is going on and this is one area that needs to be strengthened.

For some time there has been a clamor

HON. G. HAIG BODDEN (CONTINUED): to put in sidewalks on Walkers Road and we asked Public Works Department to give us a costing on it. It has been found that it would be very expensive to make the sidewalks from concrete which the most people think about automatically when you talk about sidewalks, but Public Works has agreed that they can build, at a reasonable price, sidewalks from asphalt. A figure is included in the Road vote of $1.5 (plus) million. A figure is included to lay a sidewalk on one side of the road along Walkers Road as well as to put in a sidewalk on the West Bay Road during 1994.

As one Member said in the age of computerization you do not get as many details in the Budget as we used to get, but that figure for the Road Vote does include the construction of the sidewalks. Also the construction of underground ducting will require a special machine to do the cutting so that it can be done efficiently. The machine will cost $60,000. This particular figure is not in the Budget - it I think was left out accidently and will have to be inserted. But I believe it is a good expenditure which Members will approve.

The vote for roads is not such a large sum this year. It is $1,571,600 for Grand Cayman. Cayman Brac has its own vote which I hear from the Members also seems inadequate. The vote for Grand Cayman for 1994 is $1.5 million and while it might seem like a large sum I would like to draw Members attention to the fact that in 1982 the actual expenditure on road construction was $1,981,986.

In the road-works this year there is a figure of $85,000 earmarked for purchasing of new roads and one of the roads singled out for this is a by-pass road in the Bodden Town district. This has been talked about for many years now and in fact one year the money appeared in the estimates and then was not used, but I think this is a road which needs urgent attention. The Bodden Town Road is perhaps one of the narrowest in the island and the crowds do congregate every evening and every morning because it is servicing the districts of North Side and East End. And what I would like to see and what has been discussed with Public Works is a by-pass road which would start at Hegre Bay Road, travel past Bodden Town and come either in Savannah, Anniq or Pinehurst depending on what the surveyors come up with.

This road would open up very good agricultural land, and it would also relieve the congested Bodden Town Road.

Yesterday evening there was a serious accident in which two pedestrians were badly hurt right in the centre of Bodden Town and while no road can be entirely safe, the traffic through Bodden Town has now reached a stage where it will soon be impossible for the existing road to carry any more traffic.

The Member from Cayman Brac mentioned the Bluff Road and it is the intention of Government to provide this road. The Members know that there is a cross-Island road across the Bluff and recently we started building a road on the Bluff going towards the east. There is still a portion of this road to be continued and there is also provision to put a road on the Bluff starting from the Clyde Centre going towards the west end. Definitely these two roads can be completed in 1994 and if money can be provided, construction could open start. But we will endeavour to get the road gazetted which is very important so that developers will know where the roads will be going and they can plan their developments accordingly.

Also remarkable in this year's Road Programme is that no loan funds are available for new roads. The entire $1,571,600 will be coming from Road revenue. In some other years when there had been massive construction programmes, the revenue has been assisted by loans, but there are no loans in this year's estimates for construction of roads.

Government has made every effort to service all the public roads and even a few of the private roads, but as a

HON. C. HAIG BODDEN (CONTINUING): education where developers are putting in their public roads faster than Government can take them over and there is no way that Government can take over and improve all of the private sub-division roads.

A few years ago Government embarked on a programme to move the sub-division roads. This has been done in some areas where there are large developments and Government will continue to do more of the private roads. But the public roads and the main arteries between the districts must always have priority.

I would say something on the traffic improvement programme which has been underway. We still have the Hutchings Road/Eastern Avenue junction to work on. The plans are to close the North Sound Road. A light is to be put in on Hutchings Avenue and agreement has been reached with the land-owners in this area as to the widening of this road and the closure of the North Sound Road. The area will be gravelled shortly and there is money in the estimates (in this $1.5 million) to do some work on it.

The Eastern Avenue and West Bay Road also need some work. There is to be a light in this area. It is hoped that an additional signal here can be put in (we are speaking about the area by Mr. Ebanks's service station which is now owned by somebody else).

Walkers Road, Smith Road and Hospital Road will also receive a traffic light, but I would like to give a warning about these traffic lights. Wherever a traffic light is installed, the traffic slows down. The reason for this is that the light is timed and the traffic must stop whether the traffic should proceed or not. So that the more lights you put in, the slower the traffic will move. The lights only have to give an equal opportunity to motorists from the four directions to move. It also should improve, if the drivers obey the lights, it should improve the safety. It will not speed up the movement of traffic.

One Member mentioned the construction of the Bodden Town Civic Centre and I have not yet been able, in the short time it was available to me, to digest his statements. I really do not understand whether he was trying to make a criticism or whether he was just thinking out aloud or whether he had any specific recommendations that he wanted to enforce.

MR. ANDREW O. EBANKS: Would you give way to an explanation?

HON. C. HAIG BODDEN (CONTINUING): The Members know that when the Budget was prepared for 1982, a certain sum of money was included for a Civic Centre in East End as well as a Civic Centre in Bodden Town. However, neither sum of money was adequate and I think Members knew this) to complete either one of the buildings.

The same Member mentioned that funds had been vired from one to the other. I cannot agree with that, Sir, because the funds were not moved from one sub-head to the other. The money for both indications under the same vote, so it was not necessary really to vire the funds. They were identical purposes contained in the same vote. But what really happened was that during the year 1982 we decided that it would be uneconomical to start the East End Civic Centre and leave the Bodden Town one half finished. So there was a mutual agreement between the Members that they would concentrate on completing one of them and next year, 1983, we would be able to tackle the construction of the other one. The money is included in the estimates which hopefully will complete the Bodden Town project sometime in 1983 and will also either complete the East End project or have it substantially completed by the end of 1983.

Members agreed in Finance Committee that

HON. G. W. H. ROBERTS (CONTINUING): there is a need for these buildings for hurricane shelters. It is true that in Belden Town the Town Hall has been declared a hurricane shelter, but we know full well that it is totally inadequate. It was quite a fine building when it was constructed in 1935, but the population has increased. The toilet facilities are not ideal for a hurricane since they are situated about 200 yards from the main building and it would not be a pleasant task to have to attend to certain matters in say a hurricane if you were entrapped in the Town Hall.

The Belden Town Civic Centre was a three phase project. Phase one was the construction of the Belden Stadium which is now complete. Stage two is the construction of this building and stage three will be the development of the playing field. The land has been bought for it and hopefully in 1985 or 1986 whatever Government is in charge of Government Ministries at that time will see the completion of this project.

The Public Works has been engaged in the construction of the new terminal at Owen Roberts Airport. The building itself is on contract, but Public Works has some responsibility for overseeing the project. They also are responsible for all the other work connected with it - the parking apron, the road, the shoulders of the existing run-way and this is a job that will keep them occupied during 1984.

I would also like to mention the reconstruction of a Port Authority building. There is a need for such a building. The Government has not seen fit to proceed with it at this time. Plans have been worked out for such a building which will house Customs, Port Authority and will also have one floor which can be rented to airline agents and anyone connected with the Port.

Government felt that we have many big projects going now and to give a commitment at this time to this building would not be justified. But it is hoped that sometime soon a building will be put up which will house, for a time, some of the staff who occupy the terminal building and that when the day comes to put up the main building, the smaller building can then be converted into warehouse space and a canteen for the office workers and provide toilet facilities. Because space is limited on the dock it was felt that this is the best way to proceed because to attempt construction in any other manner would upset the electrical systems, the sewerage systems and so on. Anguilla this is a matter which will be resolved during 1984.

The Water Authority has been set up and has gone into action. The water system has been started. Phase one has gone into operation. Phase one provides for the delivery of 100,000 gallons of water per day to Lowlands from the Lower Valley Zone. This project was completed within the estimated budget which Members knew had been $150,000. It consists of 30 wells connected by 10,000 feet of pipe, a 800,000 gallon reservoir plus the service and chlorinators to purify the water. The water is pumped from wells at the rate of two gallons per minute into the reservoir and from the studies that have been done, if the water is pumped at this rate we should have a supply of fresh water which will be inexhaustible.

There is some money in the estimates which will provide funds for moving on to the second phase of the water development. Phase two is in two parts and I doubt if both parts can be completed in 1984. But one part of phase two provides for the sinking of a well field in East End to supply that district with piped water. We feel this to necessary as the Gutshet of East End has been rainfall than any other area. It does not have good wells in the district most of the water is brackish. The other part of phase two will be to pipe the water from Lower Valley to the district of No Man Town including the Northward area with the Prison. The Hospital can now be supplied

HON. G. BLAIR WATSON (CONTINUING): from Lower Valley.

When these schemes are in place, Government will have a savings on purchase of water for the Prison, the purchase of water for the Hospital and will be gaining revenue from these developments when water is sold to local consumers. The third phase of the water would be to develop the land in North Side, pipe the water to the North Side district and so earn a little revenue from them while providing them with safe drinking water.

The fourth and final phase of the development of the underground supply will be to develop the huge field in East End and tie in with North Side and Lower Valley and pipe the water to Cayman Brac. This is a development which will take capital expenditure of several million dollars. The many schemes for Lower Town, North Side and East End are not so capital intensive and can be done from local revenue.

Concurrent with the water scheme we are looking at the establishment of a sewage system. Money is provided in the estimates to make a start on this. This sewage scheme will be capital intensive from the very start. The first part of the development will be to put in the sewage plant and then to pipe the concentrated areas of West Bay and George Town. And here again Government, if it is going to move ahead, will have to seek a loan. It has been indicated by Caribbean Development Bank that they may be willing to help with this loan.

An examination of the Budget will show that these projects, these major projects like the airport and the water and sewage, are really the biggest projects undertaken by Government to date and as such will take a large part of the capital budget and will also take a part of the recurrent revenue to service the loans. But they are very important projects and the time to get underway with them is when there are positive signs that the economy is on the upswing.

One Member mentioned his concern about the economy of Cayman Brac, coincidentally with the slowdown in the production of oil products. But there are positive signs in Cayman Brac's economy. There is the introduction of jet services. I believe that one of the best things that ever happened to the Cayman Islands was when Cayman Airways was formed and a jet service provided to these Islands. And I believe that Cayman Brac will also feel the effects of jet travel.

I have repeated in this House at least a dozen times over the few years I have been here that communication, air communication, is the most important ingredient in an Island economy. We talk about the money we spend on Cayman Airways. If it were not for Cayman Airways there would be no money to spend. The economy which Cayman Airways has kept together has paid for our social services, our schools, our education, our Civil Service salaries and all the other capital works. And this is why I mentioned earlier that I am glad that the country is not run by the trees nor by frustrated Ministers who cannot get elected. I am glad the country is run by sensible Members who are elected by the sensible electorate - Members who do not back down even when the matter is controversial.

I see other positive signs in the Cayman Brac economy. One of the Members mentioned that there is a possibility of tourist ships calling there or Little Cayman. This may be a remote idea, but is certainly an idea which I would support.

I see the new dock in Cayman Brac and the work on the dock in Little Cayman as positive signs of future improvement of the economy. I see in the estimates, provisions for the new terminal building in Cayman Brac. Negotiations have been going on with the same people, the BDC which gave us the first loan on a low interest rate to improve the runway and these are positive signs. When the infrastructure is in place, investments are guaranteed.

HON. G. HAIG BODDEN (CONTINUING): One Member from Cayman Brac mentioned the removal of duty on kerosene and I support this. If there are people in Cayman Brac still using kerosene for stoves and lighting, I think it is worthwhile and it will afford the revenue very much as the consumption must be small. But the removal of the duty will mean a lot to the people in that area.

One Member mentioned the broadcasting station, I think it was the Member from North Side, and he went on to speak about the use that could be made of the radio and I believe he should be used. I will support any Member who brings a motion for the Radio to carry important debates from this Assembly. At the present they voluntarily carry the Throne Speech and the Budget Address, but I believe the debates are just as important and should be carried. I believe that important bills should be debated and the debate carried by the radio - something like the recent Education Law should be carried.

I know that Parliament has always resisted the use of television and radio, but this is not a new thing. Parliaments once resisted the use of the Hansard and they were reluctant to let in shorthand writers to take down notes from the Parliament. And it is a pity that this phobia still exists amongst Parliamentarians as a whole because it is much better for the public to hear the debates than to have to receive a shortened version through the press. The press do not wish to report word for word what is said here because it would take many newspapers to do that. And I believe the public would be better served and would more enjoy rather than hearing the nonsense that I heard on the radio this morning at ten o'clock when they produced a canned programme which had come out of world war two or some other date in the past.

Mr. President, I promised to stop at 4:30 and I will do so. I must say that I do it reluctantly because there is so much to say this year about this Budget. It is the most fantastic budget that has ever been produced - as the Lady Member always says, "The largest and the best".

MR. PRESIDENT: Thank you very much. I will invite the Honourable First Official Member to move the adjournment.

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

MR. PRESIDENT: The motion is that this House do now adjourn until 10:00 o'clock tomorrow morning.

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

QUESTION PUT: AGREED. AT 4:20 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., FRIDAY THE 30TH DAY OF NOVEMBER, 1990.

NINTH SESSION AND

FOURTH MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY

HELD ON

FRIDAY, 25TH NOVEMBER, 1983

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON DENNIS H FOSTER, CVO, CBE, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, Q.C.	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 HOWARD	MEMBER RESPONSIBLE 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 J CARLTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D MALCOLM 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 MCKEEVA BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE HUTCHA BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES A KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARTY D KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK BODDEN, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SIXTH DAY

FRIDAY, 25TH NOVEMBER, 1983

1. THE APPROPRIATION (1984) BILL, 1983

CONTINUATION OF SECOND READING DEBATE

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FRIDAY

NINE NOVEMBER, 1943

10:00 A.M.

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

MR. CHADDOCK EVANS: Mr. President, before we start the orders of the day, with your permission, Sir, I feel at this time that it would be of interest to Members if you would consent to meet with them at the end of the day to discuss a matter pertaining to radio activities.

MR. PRESIDENT: To discuss radio? Yes, ...

MR. CHADDOCK EVANS: To discuss radio activities, I said.

MR. PRESIDENT: I invited the Clerk to put the Resolution Committee of the House to submit, for the consideration of the House, a report making recommendations about future broadcasting arrangements and the last I heard was that the Members of that Committee intended to consult more widely amongst Members of the House before reporting to the House itself.

MR. CHADDOCK EVANS: Yes, Mr. President, but Members feel, at this time, that after the orders of the Day have been completed it would be of interest to Members to have a full discussion with you, Sir, informally on this matter. Whether it be still left in the hands of the Committee we make the report, we are not disputing, but it is to get a full discussion on this matter with you, Sir.

MR. PRESIDENT: Yes, well I am sure we could easily meet informally at the end of the day's proceedings. Is that going to be the most convenient for Members, or late this morning? What suits Members better; what had you in mind?

MR. CHADDOCK EVANS: Mr. President, according to the Orders of the Day, it is a possibility that we will finish sometime early in the day.

MR. PRESIDENT: Let us see how we go then, alright.

THE APPROPRIATION (1943) BILL, 1943

(CONTINUATION OF SECOND READING DEBATE)

MR. PRESIDENT: The Appropriation (1943) Bill, 1943; continuation of Second Reading debate.

MR. J. ILSLEY NICHOLS: Mr. President, I too want to join my colleagues in congratulating our honourable Financial Secretary for his Budget Address. To me it was one of the greatest, most encouraging Addresses which we have ever had in this House, at least while I have been here. I am sure that by spent long hours putting it together and with that, Sir, I would like to speak on a few items which have already been spoken on, but there are just a few more things that I will have to say.

MR. H. DALMAIN EVANS (CONTINUING): mainly, Sir, the improvement of the offshore business. Our economy is based entirely on offshore business, Sir, but I am wondering with the increase in business as was spoken of - we have the business coming in from the Middle East and probably also spin-off from Hong Kong, are we able to cope with this amount of work? I feel, Sir, that there is one thing that should be looked into and that is the local work to handle this quantity of work that is coming in. I feel that the law firms that handle this type of work should be allowed to bring in more qualified help to help with this, Sir. I think we have about twenty-five lawyers or something like that, but I do not know if all of them are qualified to handle that sort of work.

We are highly dependent on offshore business and we have to cope with the work. There is no sense in getting the work brought here and not being able to handle it, then having to send it somewhere else. At this time the competition is great; people are looking forward to this same sort of business and I feel that here is where something should be looked into and strengthened so that the law firms are able to handle the work here.

Government has started a law school here and I am aware of that, Sir. Caymanians who would like to go into law can get a chance to even start learning here if they are unable to go overseas. But, then, Sir, that is something to come. We are looking at four years training on something like that. What will happen in that space of time? I think it is high time for that to be looked into.

I want to congratulate the Water Company for the service it has given to the Seven Mile Beach area because it was becoming a serious problem there to the tourist industry. I am pleased that they were able to supply water needs there and are still able to do it and I hope that it will be able to continue to give that service.

Development in the Sister Islands, Sir. I am very proud that they are now reaping the benefits of our progress. I remember years gone by when the Sister Islands were neglected, Sir. So I will help encourage anything that can help build and make the Sister Islands happy.

The road on the Bluff, Sir, I support wholeheartedly and whatever I can do to help it that road through, I will.

Immigration Research and Control, Sir, we cannot realize that Department to give them the congratulations it deserves. Without that unit we would not be enjoying the life here on the Island which we are enjoying today.

The Fire Service is another Department, Sir, that we have to congratulate. I am sure that they have saved quite a lot of property and human lives with their prompt action. The sub-station that they are now thinking about putting in at Frank Sound will serve a great purpose, Sir, to the eastern districts. As my colleague from my Eastern area, I hope that after that I will see the movements of a sub-station placed in the western area, especially for the Seven Mile Beach.

The Training School. Although some people may think that is insignificant or a waste of time, I am glad, Sir, that we had the foresight to open this school because it gives our people a chance to get the training which they would never have gotten if it was not for these schools - the Hotel Training School, the Technical Training School, secretary and so on. What I am hoping is for our people to move forward and take advantage of these opportunities. We did not have them while I was growing up, Sir. We had to work for our children at that time - the hard way. Now they have a chance of

MR. T. CALVIN EBANKS (CONTINUED): even being paid while they are learning and I do not see why our people do not enjoy this opportunity.

Our new airport terminal again, Sir, is a great asset to this Island and I pray that it will continue to help the economy of our Islands. We are spending a lot of money to put this in, Sir, and I feel that the return and the benefits reaped through Cayman Airways will be capable for the money and efforts we put into this airport.

In our budget I am hoping to see, but it is not there and I am going to ask for it - a token figure placed there, Sir, for establishing a new Post Office in the West Bay district. We need that very badly and I hope I get the support of this Honourable House for this.

Roads. I have to admit, Sir, that we have gotten quite a bit more work done in the western district, but there is still a lot more to do. There is one road that I am going to say has to be finished this coming year, and surely this coming year, and that is the Bunkyard Road. We have been fighting for this and I know some of the reasons why it has not been done as yet, but that hurdle has to be jumped this time and work started.

Now, Sir, I have decided not to make my speech too long because I know we have some more long-winded Members to speak, but with this recession which we are enjoying there is one thing that highlights it all to me and I think to the majority of Caymanians and that was the visit home of Her Majesty the Queen. I am very proud that the time was found for Her Majesty to come here for that visit which was long asked for. I do not know what we will ever have in return, but I feel sure, Sir, that this will go down in the history as one of the greatest events of the Cayman Islands in generations to come.

Now, Sir, as a bit of warning and caution there are a few more things I want to say. We Caymanians, Sir, are enjoying a life which when I was growing up I did not believe could exist in this Island. We have one of the best nations in this world, Sir. We have so much to be thankful for that I feel we should be praising Almighty God day and night for what we have.

I do not know how many people realise that, Sir, but there is one reference I should like to given. I have just returned from a conference in London about two or three weeks ago. At that conference there was a representation of approximately eighty nations of the world and I am sure that I could count on my two hands the countries there which were not plagued by poverty. I was not so shocked for our country, but countries - the African states, the Eastern Caribbean, the Pacific Islands and all Sir) that I had to say to them, "you fellows have to be calling this conference a big.". They said, "Mr. Ebanks, you have not heard half of it.".

Some of these countries, Sir, not one, I have there were no far to make a statement there to say how bad their conditions were. They said in developing Islands like the Cayman Islands which are tearing down and building up, they would gladly accept the old material that we are throwing to help build homes, as others there. Sir, that made me feel like I was a king and I think our people here should adore building how blessed we are.

The representation from Hong Kong, "Mr. Ebanks, you read about the Cayman Islands and you hear it on the radio - tell me the secret how a little Island of a population of 18,000 people went through a recession which had the whole world staggering and has a balanced budget and is still progressing?". My answer to him, Sir, was this, "Doctor, all I can say is good stable administration without planning.". His reply to me was, "I do agree, but we are trying the same thing and cannot make any progress.". He said

MR. D. KIDDLIN MYERS (CONTINUING): that if Uriah went well with him, he would be coming to the Cayman Islands next year to see if he could learn some techniques from us so as to try to get his country straightened out. I feel that is a great compliment, Sir.

Mr. President, the people here in the Cayman Islands who are trying to tear this administration down do not realize the damage that can be done to our little country here, Sir. And the thing is this, once we have one thing here the whole Island suffers and they themselves suffer, Sir. Whether what they are saying is through ignorance or personality involvement, it is high time now, Sir, for them to stop and realize that this sort of thing cannot go on forever and yet we continue to progress through it, Sir. It is damaging and I beg them now, Sir, to please try to stop. If they want to go into the Legislative Assembly, all good and well, but that is not the way to win popularity or to win votes to get into this House because to fool them, Sir, the majority of the people here know what the progress that these Islands have made since 1976 was through that administration which was put together and planned it, Sir. It was not built up by the few who there who are tearing it apart and the people know the difference as themselves they would win any votes through that angle.

The thing is this, Sir, they should try to use some diplomacy and tact and try to work along with us and show that they can do something to help build our country. If what we have now, what is good for the country, do turn down then what do we have to rebuild with? It is as simple as that, Sir.

Now, Sir, with that I close my speech in thanking you and congratulating our honourable Financial Secretary

HON. JOHN B. MAIDEN: Mr. President, perhaps I could open and close my debate in just a few words saying that my position has been spoken of so highly and that would be to say thank you to all Members. However, Sir, I do feel that the Honourable Financial Secretary is the most competent person that.

Mr. President, last Friday marked another very important and outstanding day in the history of these Islands, as we sat here in this Chamber and listened to the presentation of a very impressive and comprehensive Budget Address by the Honourable Financial Secretary. I too, Mr. President, join with my colleagues in saying congratulations to him on a well done job. It is also my wish that documents such as this one will be placed in the schools and the libraries of this country.

Mr. President, this Address was so well put together that it leaves one very little to speak on. However, I wish to draw the attention of the Members of this Honourable House and the public to exactly what was taking place here back in 1976 when I was first elected to the House.

Mr. President, in 1976 we were in this Chamber discussing a Budget of approximately CI$12 million. Today we are discussing a Budget of CI$29 million - also there the amount of what it was eleven years ago. Mr. President, this did not happen by chance, it happened by the hard and dedicated work of the leaders of this country.

In my humble opinion, Mr. President I will say the following. God in His heaven, the Constitution of the Cayman Islands and certain natures do exist ourselves.

Mr. President, a few weeks ago when rumours and allegations filled the air around these Islands, I was a bit concerned, yet at the same time I made myself believe that it was exactly what has been proven - street talk and gossip. However, Mr.

HON. JOHN D. MAHER (CONTINUING): problems, such mergers and situations can be the downfall of a country. I do hope and trust that those who have for one reason or another been involved in these allegations and rumours will straighten out and the Board elected Member for West Bay mentioned a while ago and we hope a lot have to here and there are many out there with open arms to welcome it. Sometimes I wish that financially I could invite some of these people to invest a little more and to experience for themselves what they see should and compare it to what we have here in this little paradise.

What bothers me, Mr. President, mainly those out there in the public who are clamoring mistake as such are in my opinion far from being capable of rebuilding this country if they were ever to ruin it, and furthermore I am certain the present public, while they may become a bit upset at times, have much better sense than to ever consider electing one of those.

Mr. President, our economy is a very fragile one. As we all know we depend heavily on tourism and the financial sector. Mr. President, whenever our Government goes bad it means our whole economy could disappear overnight. It concerns me not for myself, but more for the children of this country who will be the men and women of tomorrow.

Many times, Mr. President, being a politician is not an easy life and I am certain everyone in this chamber will agree with me, but as far as I am concerned we need to dedicate our time to the proper running of this country, not for ourselves but for the men and women of tomorrow.

Today we only stand here and boast of the many banks and trust companies that we are enjoying and to go along with that the amount of jobs that are being provided from this area can we ask ourselves the question, Mr. President, where would these people be employed in the event that the banks and trust companies decided to leave? We are fortunate as are more employed. I would say, Mr. President, in this country anyone without a job does not want a job. It may not be what they would like at first, but if they would like a job they could find a job.

We are fortunate again, Mr. President, exposed to other places, but again I will issue a warning. If we are not careful and put aside all selfish feelings, put our heads together and run this country properly, Mr. President, we could have problems.

Mr. President, I am thankful to all Members for their kind words towards the A.I.D.B. For some time, Mr. President, we were passing through a stage which I guess in most organizations at first there are problems. I am pleased to say that we have passed through that stage and I feel confident with the guidance of a new manager there and hard working board members that we are headed in the right direction.

What is most encouraging, Mr. President, is the fact that farmers are now coming forward and making use of this facility. As I have stood in this Chamber and said before, farming in this country is something that I would like very much see people return to farming and providing themselves with the proper amounts of foods in this country. It is very important and believe you me, Mr. President, as long as I am here and as long as I am in that portfolio I am going to give it my utmost.

Other areas to be proud of, Mr. President, are areas in the accounting firms, company management, legal firms and insurance. It is my feeling, Sir, that the contribution made from these areas is one that we can be justly proud of.

As has been mentioned in the budget, we are looking at a three million dollar investment expenditure in the economy of

HON. MOSES A. VELEAU (CONTINUING): approximately EIGHT million. Without this, Mr. President, we would have problems as far as having such a Budget presented. But, once again we can only be grateful to the good Lord for the things which have happened to us in a few years.

The Legal Department, Mr. President, while there might have been ups and downs over the last few years, I am very pleased to know that much emphasis has been placed on the training and training of young Belizeans who would like to better themselves in the area of law. I am certain that if such a school was not made available here on the Island it would have been very hard for some of the persons who are now using that facility to have been able to obtain further education in that field.

As I mentioned a while ago, tourism, Mr. President is something that we depend upon and while on my way here in our budget the great figures that are arriving by air and by sea, I still feel that there is much that can be done as far as attraction in this country for tourists. We have little here to offer them and I am certain if it was not through the hard work and dedication of the department and the portfolio along with good extraordinary direct we today would not have been experiencing the tourist flow that we are. In every business, Mr. President, it pays to advertise. We may think that it is very costly, but it does pay off in the end.

We see figures here of jobs that are offered to Belizeans amounting to 1,500 that are directly derived from tourism in the establishments, hotels and restaurants. Mr. President, here again we have a large sum of money in our economy from tourism when we look at a figure of $20 million.

Mr. President, I now would like to make a few remarks on the Department of Agriculture. Going back to the year 1980 when I was given the portfolio with this responsibility, I must say that things were at their lowest. It was not easy for myself or the staff of the Department, but through hard work and I must say dedication from the staff, we have been able today to see the results.

Presently at the Lower Valley Demonstration Farm we have been producing many crops and not only crops that are normally grown on the Island, but while yesterday I witnessed something that is very rare on the Island as far as being grown here. I witnessed lovely melons which were grown there. We have such as papayas, tomatoes, bananas, plantains and other root crops and so far we have been producing much more than was budgeted for by the Department. I am justly proud of this, Mr. President, because I am somebody who likes to work hard, but I love to know that in the end I see exactly why I have worked so hard.

One Member mentioned during his debate that he would like to see a similar demonstration farm in the Sister Islands. Mr. President, it is my intention to set up a small demonstration farm over there sometime within the next year. Presently the plans are there, but due to the heavy workload here it was impossible to have it implemented.

We are also trying to develop in these Islands high quality beef cattle. It is also my intention to introduce a low grade of cattle, both for milk and meat and I am hoping by the next Agricultural Show that some of this can be demonstrated at the grounds. We are hopeful that by that time we will be able to import another shipment of cattle and some goats to offer to the farmers at a fair price and even if the price be a bit, I would say, on the high side the farmers will not mind, Mr. President, because they will be paying for pedigree animals.

I was shocked when I first started the idea of bringing in yams here Angus. The first figure was approximately 20 pounds. Soon after I found myself having to call back because it

HON. JOHN H. MOLLOY (CONTINUING): had wanted to do and within a short time, Mr. President, we were able, through the assistance of farmers, to bring into this country six heads of pure bred black Angus.

This has been very encouraging to me, Sir, and it has given us the push to move forward and to give farmers in this country every assistance possible.

We are hoping to introduce Brangus and Brahma which is a new type of animal which has been developed for hard territories. It is a known fact that certain areas in these Islands are good rough territory, yet it can be used for pasture land.

I have had many critics say that it is stupid for us to do this, but, Mr. President, if this is a stupid act, I am pleased to know that I have taken it.

At present, Mr. President, another project that has just been taken on is a farm road in the Dominion of Roseau. For many years it was something I wanted to see and praise God I have found myself in the position where I could have the Government and so far it is moving very well. This, Mr. President, may not seem important to some, but to me and the people in that area who are still dedicated to farming, it means a lot. I am hoping that such a road can assist me in seeing this country becoming fully sufficient in both crops and meat. Not only will it help my district, but it is also my intention to move that road straight across to the south side. We must face facts, the meat and best farming is still done in those areas.

Mr. President, I move briefly to our national airline. Again, I keep referring to tourism and I think I am justified in doing so, especially when I speak of Cayman Airways. Without the services of our national airline, Mr. President, again we would never be seeing the progress in these Islands that we are seeing. I am sure that for several years our national airline has come in for much criticism, but again while it may be costing us a fair amount, if we only take the figures here in this Budget and compare them any where as long as Cable & Wireless we can easily see just to the area of employment the comparison that we have there and also of the direct contribution to our economy as compared with a company like Cable & Wireless.

Mr. President, I am proud of our national airline and I hope and trust that every Member in this House feels the same way and that they will continue to support it accordingly now that we are hoping to move into the Sister Islands. This, I feel, Mr. President, is going to be the beginning of a whole new era for the Lesser Islands. Once we can have accommodation there and a jet service, I am expecting that those Islands will soon take off the way it happened here say eight years ago. By the way I hope the Member will give me an invitation to that inaugural flight.

Mr. President, I briefly mentioned Cable & Wireless a while ago. I wish to say that I congratulate that company for the services which they have offered to this country. I am aware, like any other country and any other country as such their problems are no different, but I think we as Caymanians sometimes need to point for the least thing instead of just thinking back a few years ago when in most districts, especially outer districts, there were one or two telephones. Communication in any country means a lot, especially, Mr. President, where the economy is based as ours on tourism and the financial sector.

It is my view that, with good arrangements as we have here and proper electricity which again is provided to us by C.U.C., if it was not for the high standards that we have in the communication, Mr. President, I feel certain we would not be able to boast of how many tourists are going our shores. We have a lot to be

Mr. Neil J. Kelly (continuing): proud of and while we may find short-comings in these areas, Mr. President, I think we should constantly remind ourselves how far we have come.

Mr. President, our Police Department. Again I feel the strides over the past few months have been ridiculed in every way possible. Again, Mr. President, I feel that the people of this country should stop and think. The Police Department is our only means of defence in this country. I am not saying that the performance of the police is one hundred percent; I am not here to say that the Commissioner of Police is the best in the world, but he is from here, Mr. President, what we have today on far as a Police Department is what was recommended by Members of this Honourable House. I recall quite well when the new Commissioner, Mr. Seaman, took office it was one of the things that I am sure was the wish of every Member in this House and that was to bring in as many Companies as possible into that Department. To me, Mr. President, a carpenter is only as good as his tools. If we have lack of training in certain areas in the Police Department, now that the scandal has been cleared up and everybody has seen for themselves that the allegations and rumours were just street gossip, I am asking each Member in this House to put their utmost behind the Commissioner of Police and to give him their fullest support. If we mean that we need more training, if we mean that we need to weed out some, I think the Commissioner should be given that power, but let us stand behind him and let us get our police back on the right foot.

Mr. President, I assure this Honourable House and I will assure the Commissioner and I expect now when I see the next paper there will be a big headline - "Nolan supports Commissioner" and I stand behind that. Gossip and rumour in this country is becoming something, Mr. President, that really worries me.

Turning to our Prison, Mr. President, yesterday I sat and listened to the Honourable First Official Member in his remarks as he said that prisoners are still human beings. I concur, Mr. President, one hundred percent. It is just unfortunate that we have to have prisoners and at the same time we must always remember each prisoner in the Northland prison is some mother's child. It is my honest opinion and my feeling that each prisoner should be made to do a certain job, he should work, but at the same time I feel that the punishment of being locked away from society is sufficient and that everything should not be taken away from them. If they have to work then I feel they should be fed properly. Each one of us houses here that when you run about if a meal and you do not feel your best.

So what if it is mildly another insult. I think again that some people should just compare our prison here with what has to be offered any in places like the United States of America. We constantly call John such as - "Is there a television at the prison?", I can assure you that in places like the United States of America, it is offered to the prisoners. I am not saying and I am not advocating that we should note funds in the budget for one, but I am just saying that I feel that prisoners should still be treated as human beings.

Mr. President, in the Budget we see a figure, a large figure, for education. An author once said, his name was Elmer Anderson, that he felt the true riches of life was in the happiness and success of one's children. Mr. President, my feelings are that we cannot do too much for the young people of this country. A good education is something that once it is gotten and made use of properly, it is a very good thing. It is hard today, Mr. President, when you have a little education to make it. I can imagine those who did not have that opportunity years ago.

I am happy to know that we have the

HON. JOHN D. McLEAN (CENTRAL): ...demand of education in these Islands that ... we have and again the Member in charge of that portfolio, as was said here yesterday, the day that he is taken out of this chamber it will be a great loss to this country.

Mr. President, I am pleased to hear that the Pines Retirement Home is now being used. I am hoping that this once again will be given as much support as possible by Government, after all, it is a service which is being provided for the old men and women of our country... In one way or another, Mr. President, these old folks have contributed something to the building of this country, regardless of how small it might have been and it is my feeling that in their last days proper care and attention should be taken of them.

Mr. President, in conclusion I wish to say to Honourable Members this is our last Budget Address before General Elections. I am hoping that such Member here will find time to reconsider the years that have been dedicated here together for the proper running of this country and once again if there are any feelings whatsoever that when we walk out of this chamber we would say and be as one with one intent and that is if it is the wish of the people of the Cayman Islands to return us here, then we will come back with a clean slate, ready to put our heads together and to continue to run a good Government.

Thank you, Mr. President.

HON. TRUMAN M. BODDEN: Mr. President, ...

HON. PRESIDENT: I wonder before the Honourable Member starts, would you - we would normally break in about ten minutes time. would that be convenient for you or would you prefer that we take the break a little earlier ..... well, start now then and when you reach a natural break we can suspend.

HON. TRUMAN M. BODDEN: Mr. President, I first wish to congratulate the Honourable Financial Secretary for a Budget Address which is clear and well set out. This is the first time, last year and this year, that we have seen a budget supported by reliable statistics.

I know that many people in this room believe that I am perhaps too much a man of detail, I look at things too closely, but when you are dealing with $60 million, Mr. President, you can never look too closely and you can never support it with too many statistics. And he has shown the way out of estimates that were estimates unsupported by statistics and the relevant data to estimate or that are now realistic and can be looked back on and supported through the computerised and other statistics that he has now established within his Department. I would hope and I know that that would still continue because it is the only way to accurately deal with a Budget of this size.

Mr. President, a long time ago when Columbus came back from the new world, he was being criticised and a lot of people were standing round at a meeting saying they could have done what he did. The well known illustration of him saying, "How to an egg, stand it on the end" and no one could - he turned it lightly, stood it on one end, looked at them and said, "Now that I have shown you, how can you do it.".

That, Mr. President, in the position I am this Government and especially this Financial Secretary has shown to the public. We have, with the help of all Members here, produced more often than not a budget that carries with it most of the time substantial General Reserves and substantial Surpluses. I will go back and show from figures what life was like a few years back and what it is like today because these are facts and nobody can deny them.

The Government is no longer a small

HON. TRUMAN M. BODDEN (Continuing): kindness or a simple business. It is now a large complex business with an international flavour and the days of treating it simply are over. Onboard more than ever more ability and more and more foresight must go into the running of this country because the eyes of the world are now upon us and we are no longer secluded and isolated as we were some years ago.

The days, Mr. President, of running this country on good intentions are also over. Coupled with these good intentions must go an ability and understanding of the complexity of modern government.

Someone once said that the road to hell is paved with good intentions. While that is a somewhat extreme statement, it does bear out that without ability with only good intentions then you are only part of the way. However, good intentions are very important and the statement was an extreme one.

In this regard I will unfortunately have to withdraw two areas of the recognition and I have warned the Members responsible for them that I would be making that withdrawal which I know is somewhat unusual for a Member of Government.

Looking at the upcoming budget, it carries with it some heavy financial expenditure. What I would like to ask Members specifically to support would be the playing fields. I think they were referred to more as football fields for that boy and Bernie Tibbetts. I believe that these are badly needed.

Also, once again, I am asking for support on the Sports and Cultural Centre at least to begin the Sports Centre this year. It, I know, is sometimes difficult to choose between the different priorities of Government, but I believe that the time has come where we must now put somewhere else, if necessary, to provide sufficient funds to move on with the provision of the more mental sport facilities.

I am very happy to see the Racquet Cultural Centre become operational for several reasons. Firstly, I believe that it is only through centres such as this that we can have culture emerge within these Islands and with every new developing society, many times it is sports and culture and what may be regarded as not as much a necessity or perhaps an operating theatre or a classroom for school children. But through the generosity of, what I think is at least one person knowledge, Mrs. Hanquil, we have managed to have within the Islands the Cultural Centre, and not only am I happy for what it will provide, but it also allows Government not to have to make any immediate decisions in providing that type of facility and true these funds can be released for matters such as sports or other areas of culture.

The Inn Theatre and the staff I think have done a very good job and congratulations and thanks are also in order to Rotary this year for the Girls' Home as well as Idems who constantly plough-on with services within the Cayman Islands - I think perhaps they are the most dedicated and undoubtedly the most energetic service club within the Islands and I am very grateful to them undertaking the project of the swimming pool which is going to be very expensive and a very necessary project. I am sure that Members within this House support both personally and through the budget the many service clubs, even though I have not mentioned them, which go to make Cayman a better place.

The sidewalks to the schools, both public and private, on the Walkers Road area are an absolute necessity at this time and I would ask for support on it. The day that a child is injured because we have failed to provide what is a budget of this size is a small amount of funds, I believe will rest very heavily on the shoulders of every Member here. And also I feel that the upgrading

HON. TRUMAN M. BODDEN [CONTINUING]: of the sides of the roads to the West Bay Road to the hotels and condominiums built-up-area, is something that is important.

Mr. President, it was once said about a poem called The Stream, I think, that, "Men may come and men may go, But I go on forever". Well, that is what I have to say about the Public Health Department and their Clean-up Campaign. When it is suitable to some people, an organisation, for whatever reason but I would hope always in the contribution to the Cayman Islands to clean up they do it. But the Public Health Department goes on and on and there are no easy praises for the many hours spent collecting garbage and picking it up by hand along the edges of the roads. While I accept the criticism made by Members on the garbage collection system, I would ask them to also include this good part of the Public Health Department from that difficult task of always collecting money whether it be from the Public Health, the Hospital or any other areas because after the push of the clean-up for the Games, (and I am very grateful and would not like to be understood not to be grateful for what was done then), it has continued to be a struggle to keep the sides of the roads and the town clean, but the Public Health Department has ploughed on despite their lack of what they would regard as sufficient staff to do so.

Another area that I would like to mention is that I believe the time has come for the channels in the reef of the Cayman Islands to be properly marked. I have some interest in this from the point of view that I have to go through those channels at times, but the fishermen here, especially who have to navigate them at night, undoubtedly should at least be given some assistance either through reflectors or lights or something of that sort. Hopefully this Budget Session will see sufficient money in there to mark all the channels in Grand Cayman because in Little Cayman when I was up there a few months ago, the people there had actually marked just about every channel and I had to really congratulate them on it.

Moving on.....

MR. PRESIDENT: Would it be a convenient moment for the Member as suggested a short .....

HON. TRUMAN M. BODDEN: Yes, Sir.

MR. PRESIDENT: In that case I will suspend proceedings for fifteen minutes.

AT 11:21 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:41 A.M.

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

HON. TRUMAN M. BODDEN (CONTINUING): Mr. President, I would like to endorse what my colleague, the First Elected Member for George Town said in relation to providing an office for Members of the Legislative Assembly. As I opened my debate, the business of Government is now big and I would fully support this.

Along with this, Mr. President, I believe that the time is coming when the Members of the Executive Council should also be provided with an assistant because I have found, especially in the last three years, that the work has become

HON. TRUMAN M. BODDEN (CONTINUING): ...for more detailed, more complex and it has taken more and more of my time. And to have an assistant to do research and to deal with certain matters would greatly relieve the burden which the present Executive Council Members, and unquestionably those in the future, are going to have because the pressure can only increase. It cannot get less by the looks of it.

Along with this, Mr. President, we have had the introduction in here earlier of motion in relation to the increase of problems in the area of drugs and alcohol and I would hope that Members will support the application for providing a full-time psychiatrist and setting up the clinics that are necessary as well as to permit sufficient allowance for dealing with school children. This, Mr. President, I think is most important because if the problems are corrected in a child at an early age, then they are much simpler and, I think, would contribute more to society.

We have been having both a psychologist and a psychiatrist do what they can on an ad hoc basis in the schools and I hope to intensify this.

Going back to the question of Members in this House, the Pensions Law was introduced and passed some days ago, but I think with this, Mr. President, this House should also look at pensions for Legislators. Every country in the free world provides that when a person has served their country for many, many years that it is appropriate that they should be regarded as a Civil Servant or other Public Servant who has served their country.

I would just like to mention that I think that I am probably the second youngest or maybe the third youngest in the House and I am many years away from 65, but there are Members within this House, Mr. President, who deserve to be provided for through pensions and I would definitely support that. I extended in the area of assistance to the spouses of retired Civil Servants, with your approval recently, and also we have had assistance extended to veterans out of the previous wars and I think that the time has come for this House to look at this aspect. It would be different if there was not money available, but especially now that we have amended the Civil Service pensions I think it is a very appropriate time to show the gratitude for people who have spent many, many years in this House. And I am aware the public that there is no harder task in life than being a politician.

Moving on to the schools, I am very happy that this House has found it in order to show appreciation to the Department, the teachers especially, for all they have done. In the Education Department, Mr. President, despite the bad publicity of two or three months ago in relation to the fact that only ten percent of the children in school actually sit exams - I want to show the facts on this and to once again show how nonsense, once printed, is very difficult to remove out.

The facts are, Mr. President, that in 1962 in the High School there were 197 students. 154 entered for either G.C.E. or C.S.E. exams and the non-examinees were only 43 - 19 boys, 8 girls, or 32.8% of the children entered for some exam. You may well say, "So what, they entered", but out of those entering for exams in 1963 there was an 88.1% pass rate and regardless of who likes it, Mr. President, those are facts, but I guess since they are good facts they will not be printed. But it is absolutely ridiculous for anyone, especially an ex-teacher who knows better, to get up and say that only 10% of the children in the Cayman Islands move on for exam results. It is really a disgrace when you see the amount of money and effort put into education to have statements as negligent and ridiculous as that made publicly.

The schools this year will have a large slice of the Budget, but then is our investment in the future because

HON. TRUMAN M. BODDEN (CONTINUING): despite the criticism that has been levelled at me for being qualified (and I have never quite understood how this has come about), our duty must be to the future generation to qualify them. The days when you and I could get by with a minimum of qualifications are far gone in the Cayman Islands and it must be somewhat disheartening to students to believe that some good day if they end up with a certification that at least the press in this country will look down on them. I mean what a waste that we have reached. It is one thing playing around with politics, but it is another thing when we seriously touch the future generation of this country and I would have hoped that everyone in this Island would have cried to children that the more qualifications they get, the better off they are going to be in this world however that is the way it is.

The Primary Schools, Mr. President, continue to play an extremely very in the education system. I thank them very much for their assistance with the Education Law with their assistance and support throughout and I assure them that at least for the short time I remain in Government that I will support them fully in every respect.

What I do find somewhat amusing, Mr. President, looking back to a few years ago when the hot issue was then the Education authority, is that a committee of the Cayman Islands High School Parent Teachers Association at that stage included the Third Elected Member for West Bay along with persons such as Mrs. (Mary Lawrence) recommended that there should not at that time be a Middle School. This was back in about I think October of 1974 and as I was going through my files, Mr. President, I thought to myself what a disaster to education it would have been if I had followed the advice at that time.

Between the Middle School and the High School there are now 1,740 pupils or in excess of the total population of Cayman Brac which would have been herded into one High School. Even though my predictions at that time were somewhat conservative, it would have been an absolute impossibility to have developed the system of education without the Middle School. I am proud of the decision I took then and I did not mind the criticism, but I did find it somewhat amusing to see the difference in foresight at that time some five years ago.

The Community College and Technical College that one day I hope to see sufficient funds to develop, must continue to mature the education system within the Cayman Islands. There are now in excess of 800 students at the Community College and quite rightly, as several of the Members mentioned, the time has come I believe for sufficient funds to be appropriated to begin a nucleus for a Technical College and to take under it the umbrella of what we now have together with a good recreation programme.

I support the Second Elected Member from Cayman Brac in his quest to waive the duty to kerosene and also I support what he has said in relation to recreational programmes (I think both Members, rather, said that). But I want to go on a little bit later to show you in hard facts how much Cayman Brac and Little Cayman have had, both in recurrent and capital expenditure over the last few years, and there is no way that anybody in Cayman Brac can really say they did not get their fair share. But I agree with what you have said here, we must move on and endeavour to develop the recreational areas and the Social Services areas as well.

Moving on to the more sentimental subjects of what I am going to term the spreading of gossip in the Cayman Islands, I now want to deal with that area of the Budget Debate

HON. TRUMAN M. BODDEN (CONTINUING): as well as the area that the Third Elected Member from the Sister Islands dealt with.

I believe that gossip, vicious gossip, in the Cayman Islands has done more damage than has done road traffic accidents, drugs and alcohol. I honestly hold that belief because men have been wrecked in this country through gossip than through anything else and anyone of us within this chamber can name on our hand immediately people whose lives have been channelled into paths they would not have gone had it not been for gossip. Therefore within the ambit of what is accepted in democracy and the European Convention on Human Rights which I will now read two sections to this House, I will do everything possible to ensure that vicious gossip within these Islands is stopped. Tell the truth, but leave gossip behind because it hurts people, it hurts the community, it hurts the Islands and nobody should have a license to publish libelous gossip.

Mr. President, that hallowed document which the press does not like me to quote, but which exists and to which the United Kingdom has adhered and naturally as its colonies, we have adhered to it, in article 8 of the European Convention on Human Rights it provides this - "Everyone has the right to respect for his private and family life, his home and his correspondence.". That is one of the early basic fundamental rights. With it it states in article 8 - "There should be no interference by public authority with the exercise of this right, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.". That is very important - "the rights and freedoms of others".

Further down the line in article 10 you find this - "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting television or cinema enterprises.". And here comes the service to it - "The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interest of national security, territorial integrity or public safety for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary.".

Whether we like it or not, rights in this world are qualified rights. I notice the press has now learnt the difference between qualified privilege and absolute privilege. Well, there are absolute rights and there are qualified rights and this is one of the qualified rights. And it is qualified by article 8 which is a prior right and specifically excluded in this it excludes what is necessary for the protection of the reputation or the rights of others. There is no way that any convention known internationally will protect the spreading of gossip and libel and that I want to make abundantly clear.

HON. G. HAIG BODDEN: Mr. President, just on a matter of procedure, I want to call your attention to Standing Order 80 (2) -

HON. C. RALF BODDEN (CONTINUING): "Any representatives of any journal or newspaper when attending meetings of the House shall sit in the area allotted for the press ....", and I want to point out that Mr. James Lawrence from the Herald has been sitting in the gallery provided for visitors and not in the press box. And I would ask the Sergeant-at-Arms to put him in his proper place.

MR. SPEAKER: I think it depends whether he is attending as a representative of a journal or as a member of the public. If he is attending as a representative of a journal, perhaps he will go to the press box. If he is here as a member of the public I think he is entitled to be here.

HON. H. WAIT BODDEN: Mr.Speaker, he has been taking notes all week, Sir.

MR. SPEAKER: But he has often been sitting in the press box so do so.

HON. TRUMAN M.BODDEN (CONTINUING): Mr. President, the First Elected Member for the Sister Islands mentioned that the previous Defamation Law and of all things the Customs Law was muzzling the press. But one of the things, Mr. President, that the worst criticism is that 1977 Letter to which he signed along with three of my colleagues here in which we said, "You can report the truth, but if you are going to report vicious lies, then this you should not do.", and he will well remember perhaps the American saying that when you are sitting on the blowhere calling someone you do not realize the heat that is in the arena. So if he wants his what book to those days he will find that he was on all fours with our move to ensure that the truth is put out to the public.

Mr. President, in a small society you can never deal with vicious lies. People's reputations, once ruined, can never be restored again. In fact the saying I quoted in a letter, "If you destroy my reputation, you have destroyed me for I am dead.". And I think that the annotation when it put as article 9 of the fundamental rights, the right to protection of one's reputation, one's home, one's family, that it was put in the proper place.

I would be all for seeing the radio, recent meetings which the Legislative Assembly provided that the reports are full and verbatim because I do not think that anyone, however professional or competent they may be, can take a one hour speech and lift out of it two or three sentences and convey to the public what that speaker intended to say.

For the most recent I write press releases because then I know that those releases cannot be changed or altered in any way that will be to the detriment of the public or of myself and that I will continue to do. So I do not think objection has ever been to reporting certain matters. The objection has been to people who are normally here sometimes than the speaker to understand the points the speaker is getting across, compress it into a few words or take out two or three sentences and convey a meaning which either is not full or is a misrepresentation or a partial mis-representation of what the speaker wanted to say.

I can take the speech of every person within this House and lift out of it parts of it that will completely change the context. I mean it is so simple - you just take a sentence, say it in isolation and it carries a totally different meaning from the words around it. That is why in law the golden rule is that you have to take the literal meaning of a sentence or a judgment as a whole;

HON. THOMAS M. HODDER (CONTINUING): you do not isolate a part of it. I will give you a good example. Just yesterday I sent letters to the three newspapers plus the Northwester and back comes an item which does not print the letter, but then comments on my letter inferring as it was the lengthy letter to the other two local newspapers. What I am trying to get through here is that the English language - if you do not deal with it as the precise language it is, you can convey a completely different meaning. There is freedom of the press - you do not print, you comment on it and say it was sent to two other newspapers.

This could arise from many things. I have had time to say this. I think the press needs to mature itself, they need to get off and get some qualifications, they need more seasoning and this applies to most people generally - I am not just singling them out. But it is not possible for them to come back and say, "Look the Government did not train you", or "Them did not give us money to train". They must do what the lawyers do as professionals. We contribute large sums to the training of members in the legal profession, in the past and at present. And as my friendly friend Elected Member from West Bay said we have a burden to contribute, but look at what happened with him. He attacked the lawyers a few days ago and zooming to the press. That was the headline and the truth came below, but anybody seeing it would think he attacked lawyers.

What I really would like to convey to the public, Mr. President, many times it is not what you say, it is how you say it, how you headline it and most important what you decide not to say when you want to convey a certain meaning.

My colleague, the Honourable Fourth Elected Member of Executive Council, mentioned about the people who come bearing gifts. And this, Mr. President, is the way that only one aspect of the press I have been speaking. It comes a gift - it is put on the table here along with a commentary which must be to induce us to attempt to write a particular way or a bill along with other legislation. Well I naturally returned it, but this is a Chamber of the Legislative Assembly and these things should not be going on. Nobody else does it.

In any event, Mr. President, it came I understand from that purported leader who regarded Bishop, now deceased, as the true Caribbean man. The man who did not bother touching political privilege, but who completely annihilated the press and just put everything else around him. And therein perhaps you have the leadership of one of the arms of the press within the Cayman Islands and they wonder why this Government will never let the press run this country. While we remain here we intend to run it, we are prepared to take criticism which is fair, but any time the press breaks the law then they must understand they are going to face the consequences. When I break the law I have to face it and they should never be above the law.

While on that subject, Mr. President, I would like to touch briefly on that other arm of the media - the News Bureau. This has undoubtedly become a political nightmare for some people, but I remember the days barely a few years ago, when the criticism then was, "We cannot get any sufficient news from Government because there are some people in society who believe that as soon as you step through to a Member on most stop Executive Council or we must stop what we are doing, we must get on the line, we must give them the news, we must have something in our hands to fully give them the news at one time because they have a deadline to reach tomorrow. We have deadlines. My duty and my priority is to conduct this Government and this country to stay on an even keel. If it not have the time that a news bureau or an information service would have to sit down and

HON. TRUMAN K. HOTCHKISS (CONTINUING): research this load of questions which was constantly put to us. A few years ago they wanted more information - a machinery was provided by which they can get this information and now they complain about the machinery. I mean you cannot have your cake and eat it too.

If we do away with this News Bureau then the press is going to go back to a stage where they can get what we can give them when we can plan them, once they understand that our duty is to our people and this country to run it. I am not going to stop in the middle of an important meeting for this country and try to run around and figure out what the percentage on examination results are. I mean that is ludicrous.

So I support the News Bureau. There has to be some information service out there, there has to be some arm which provides the press, and now we have these newspapers in the island, with the information that they need. And they need more and more. They are like a hungering swallow and you give them a little bit and they come back for more or they write and ask for comment, but you did not have time to speak with them.

So while we can't prefer - neither the politician, nor the press, nor the News Bureau, I think that providing we look carefully at the News Bureau, the information service, it is an arm of Government that provides a service and it provides it really to make the life much easier for the press. Because if they did not have it they would not get very much of what we now going out through it.

Mr. President, the other aspect which I found somewhat unfortunate was that a letter which came to you and to many Members (which I assumed was not copied elsewhere, so we did not copy our reply elsewhere) from the Chamber of Commerce came out in the press. And since each Member has had a copy of it, I would like to deal with the aspects of it which relate to the Budget and to what other Members have said.

One aspect does not really affect us. But to show you the way that there can be a misunderstanding through matters put out in the press, the first headline was "The House is mussed" and wrongfully thought, "My Lord, what has happened.". Then what happened was I wrote a letter and they found out about qualified privilege and absolute privilege. So back comes, after a lot of bounding, some truth and misunderstanding that what is being dealt with is really not any muzzling of the press. It is a qualified privilege where they have been exempted from the law and it was the taking away of that right that it arose on - a very limited, narrow area of the law. But they blow it up, they generalise it and apparently mis-led someone in the prominent & position as the President of the Chamber of Commerce.

I would like to just mention here, if the Chamber wishes to enter the arena of politics then it is unique for Chambers of Commerce as I understand their operation. But, the statement made in there is this - "We are of opinion that any person should be protected from the consequences of any statements or accusations by them in public in a Chamber.". What a joke. Can you imagine no law of defamation, and worse, Mr. President, the Chamber of Commerce has a duty to investigate and produce anything. There would be no slander of title.

The Defamation Law does not just deal with ruining one person's reputation, it deals also with areas where you run a business or you slander title to whatever it may be. And how anyone could ever make a statement like that really is unbelievable and goes on to say that we believe that one of the first missions of

HON. EWAN A. HARPER (CONTINUED): totalitarianism is a suppression of opposing opinions. We now have the thin edge of the wedge.

Now I do not know how someone in this country would feel if this legislature abolished slander of title and everything else. It means I could get up and say of somebody else, his product is no good, it is a joke, it blows up instead of running or something and you would do nothing about it. So this is the extent that the press has misinterpreted a very short amendment and now we have problems with do this. And I will deal in the Customs Law with the aspect in this that they relate on the Customs Law because as I understand their duty, it must be to promote equality under the law and if you are going to have one person subject to the law then why let the other sufferers only have the penalty and the other ones go free?

So, Mr. President, to get into these, what I think are simple, but complex discussions and to find yourself somewhat misled by letters or whatever have come out in the press (and I do not mean the press itself when I say that - I mean the letters and anything that go in there) is a very dangerous situation to get into.

To end my discussion, Mr. President, on that aspect, I would just like to remind the people of this country that the Bible tells us, "Thou shalt not bear false witness against thy neighbour.". And that could never be misinterpreted for, "Thou shalt repeat false witnesses made against thy neighbour," by a newspaper or news media. Therefore I think that we must stay within the European Convention on Human Rights. We are the one country as a colony that has this section that follows the United Kingdom, but the damage to a small society to one's reputation can never be repaired and that day that you wreck a person's reputation you wreck his life. It is the same as taking his life away from him. And I am all for the press bringing the truth, I am all for the press criticising. As you can see from the letters I unanimously put out, I like to deal with problems especially when it moves into the arena of the law. But what I am totally against is gossip from people generally I am speaking now, not just coming from the press, from those that are out to make people evil when I come to that heading of dealing with the three amongst reports and amendments that Your Excellency has caused to be carried out, I will just show you the way that misfortunes can just cripple a person and they really can never recover from that crippling blow.

So I would say, as good citizens of every country, our duty is to prevent the imposition of people and there must be responsibility on anyone who repeats whatever is said, whether at a public meeting or otherwise, to ensure that it is not damaging to others or they must pay the consequences under the law. And that, Mr. President, is where I stand despite what may have been said or thought I am all for freedom of expression within the European Convention on Human Rights in a democracy, but I am against lies and vicious gossip because I have seen within the small area even of my own family the way that lies and pressures can wreak people a lot of mental agony, a lot of hardship and completely and irreparably affect their lives.

MR. PRESIDENT: If the Honourable Member has come to an end of a section of his speech it might be convenient to suspend proceedings for lunch. Will it be convenient for Members to resume at two fifteen or two o'clock today? Two fifteen? Two o'clock?

MR. SPEAKER: Could we make it at two o'clock, Sir, since we have a lot of time.

MR. PRESIDENT: Yes, two o'clock because we have quite a bit of time. Two o'clock.

AT 12:58 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:04 P.M.

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

HON. TRUMAN M. HODDER (CONTINUING): Mr. President, I would like to go on to deal with a matter raised by the First Elected Member from West Bay about permitting an increase of lawyers into the Islands.

Firstly, the Law School is quite rightly under the Attorney-General's portfolio. He has been very instrumental along with attorneys here in establishing that Law School. We have had an increase of new attorneys of I think four this year which is really about ten or twelve percent of the actual practising attorneys, but what we have to bear in mind is that we do have eight students now in the second year of the Law School. We have another five in the first year and in the United Kingdom or Caribbean we have another eleven students qualifying. Now how you will view it you come up with a bit of a horrifying percentage of really over one-third of the present legal profession. And one lawyer can do quite a bit of work with the assistance of good secretaries and persons who can do some research.

So if the Government has erred in perhaps not letting sufficient in, they have erred hopefully in favour of the students and the original number that we have. I know it has been a source of criticism, but if you look back you will see there have been normally between ten to fifteen percent increases every one or two years. And lawyers are like everyone else, they always like to ask for more than they really want. I think the policy is fair and I think four firms this year got one extra attorney which is increasing it quite a bit.

While on that subject, I would like to mention the Legal Department and compliment them on the amount of laws and advising that they have produced within the year. The Honourable Second Official Member, the Attorney-General, I think has his hands full. I do not think there have ever been so much lengthy, detailed and touchy legislation as we have had within the last few years - all going along with the advancement and complexity of the Government itself.

On education generally, what I have found a bit distressing recently, Mr. President, is that while we spend millions of dollars to try to teach the children English, we have people trying to promote the morals of whatever culture it ever was or ever started in these Islands. And I think it is very bad to have any attempt to promote and muddle this. We are trying to get away from it and I even saw where (I think it was yesterday's paper) somebody misinterpreted that in such a way that it came out with the use of the Virgin Mary, or something, or something like that but no mistaken to her at all. What I am really saying is I think that if we are going to print or speak we must try to stick to modern English, get away from this language which perhaps our forefathers had to use or did use and I quite frankly think I support things like

HON. MICHAEL M. DOPSON (CONTINUING): the one Thursday, I might not support the promotion of anything as this, I think it is called, "Sukia" which is coming out with extremely bad English. Our millions of dollars are really being wasted because the stress has gone on the three "R's" so to speak, mainly English, to try to upgrade the standard of English. It is good from time to time to laugh at, but it is getting into the newspapers now. We have children going in there with this and children are going to pick it up and then the poor teachers have got to try to tell the school children, "Well, it may sound good, but it is not English, you know".

I would like to see passed in the Budget which was approved some years ago in the Education Division, a system where we have a chapel, a chaplain and perhaps both for the Hospital and the Prison because especially in relation to children I think that it is important that they be taught the religious discipline at an early age.

I support fully the youth movement, the Youth Centre for instance at Prospect and all really that the service clubs have done because once again, Mr. President, we can never put too much money in our youth.

I would like to support the Honourable Financial Secretary on his efforts to improve the Civil Service. Speaking literally, I believe that if the Civil Service is trimmed the Civil Servants who do produce a lot are paid more then overall the recurrent expenditure would be less and you would have a better Civil Service and you would have a happier public. They should be like everyone else and put in a full day's work for a full day's pay and many of them do this, but I believe quite rightly that there could be a cutting back for instance on overtime which now longer - I mean it probably more than I get in every three or four years in total. And however, those who have ability, pay them.

Agriculture is being strongly promoted by the Honourable First Elected Member of Executive Council to my left, and I support that fully as well. The more we move towards self sufficiency in this area, the better it is for our economy generally.

I agree fully with the Lady Member of the House that as she mentioned we should not legislate laws against particular persons. Generally when we find that laws have been legislated for particular persons then we should repeal them or to the condition with the Customs law where one person gets an exemption for a product produced abroad and people within the Islands who are promoting the Islands, keeping the money here, using local resources, using local labour are being charged Customs duty. So I agree with her argument on that. Equality under the law is what we must strive for.

Now, Mr. President, I would like to move on to deal with some figures in relation to this year and past years. Firstly, Cayman Brac and Little Cayman. The Members, the three Members here - the Member responsible, the Honourable First Official Member and the two Elected Members from there I have endeavoured to support all necessary measures for Cayman Brac and Little Cayman because in the past they were left out.

Between 1972 and 1976 (and these figures that I am quoting are approximate because it is not easy to segregate, for instance where money is appropriated say for a hospital or for medical reasons, the Brac from Grand Cayman), the capital expenditure was $317,000 approximately. The capital expenditure from 1977 to 1982 was $9,006,000. That, Mr. President, is phenomenal. In fact in 1981 the capital expenditure was approximately

HON. ENGLAM M. BODDEN (interruption): 31% of the capital expenditure of the Cayman Islands and in 1969 it was 37.8%.

So with only 8.8% of the population and with figures as high as this, no one at this stage can say that the former Islands are forgotten. You look at the projects up there and you will see that the Government has, in the past four years, contributed more than was contributed in the previous forty years of those Islands' life.

I know there are still certain things that are needed and I support it, but it would be good if the people in Cayman Brac could be told these figures that this House loyally has contributed equally to their development.

And by the way the recurrent and capital expenditure for 1981 is 17.4% and for 1982 8.9%. And for instance in 1974 the recurrent was $34,000 and in 1982 it was $1.56 million. So a lot of money has been put in there.

The annual revenue balances, Mr. President, have shown for example in 1970 a high deficit of $8,480,000. That probably is unprecedented in any of the years prior to 1974. And the overall balance on surplus and deficit from 1972 to 1976 was a deficit of $512,937. Against that, between 1977 and 1982 there was a surplus of $7.7 million, but these figures are not significant unless you look at the structure of the budget back some years ago and the budget at present.

Capital Expenditure. It is prudent financial strategy to borrow long on capital projects and not to use current revenue for supporting capital expenditure. But, Mr. President, we have had such an excess of money in the past four years that this country has actually paid for its long term capital projects out of recurrent revenue. And this is usually unheard of in any country because it is like a person going to buy a house and instead of getting a mortgage over ten or fifteen years, what you are doing is taking your salary and your income and buying that house out of it. You are going to have enough money to do so and this is clearly borne out.

Between 1977 and 1976 the capital expenditure from local revenue was $2.9 million, but the borrowings were $5.9 million. They were nearly half and half. On the other hand since 1977 to 1982 the capital expenditure has been $34.3 million and the borrowings approximately $3½ million.

The loan to locally financed capital expenditure between 1972 and 1976 was 64.3%. From 1977 to 1982 the loans were only 11.3%. And in fact in 1981 and 1982 some $81 million was financed out of local revenue. And that is phenomenal. That is approximately one-third of the expenditure per annum of this country.

Now, what could have been done, Mr. President, would have been to borrow long and take this $60 odd million and put it in accounts, but it does not make sense when you have a sufficient general reserve to do so.

Our public debt as at 1976 was $7.397 million or 82% of the local revenue. In 1982 it is $3.4 million or 13%. So really in the past six or seven years this Government has borrowed regrettably no money, has financed long term projects for capital out of recurrent expenditure and along with it has kept a reserve which is more than adequate.

Some examples of where some of this money went - for instance between 1972 and 1975 $1.6 million was spent on education and since that time to 1986 approximately $6 million was spent in addition. We had poor relief in 1972 going from $4,700 to $100,000 in 1982. Correspondingly from $17,700 to $800,000.

HON. IRVINGA M. ODDEN (CONTINUING): Social Services from $5,200 to $930,000.

There are facts, Mr. President, and it was the American President Harry S. Truman who once said, "I never give them hell, I only tell the truth and they believe it is hell.". And whether anyone likes it or not this country now is in a good financial position and it has spent more on capital in the past four years than has probably been spent on capital in the past forty years. We have a reserve now of approximately $11 million and that is a good general reserve. Our financing of our debt I think is approximately 2.77 or 2.83 and the accepted amount for that in every country is 10%. So we are so far out of debt, Mr. President, at this stage and so lucky with God's help to have had sufficient funds to finance projects over the past four or five years.

When you take out all the deficit, the reserve and the capital from revenue for 1972 to 1976 you get $7.2½ million. Whereas if you add those together along with loans which the Government has made (which were not made in the past), you are looking at $55.3 million. And that is a large amount of money.

I would like to deal with an aspect of the accounts which I understand has been blown a bit out of proportion. There has been a reference to an $11 million deficit in 1983. Well that has got to be nonsense because while I do not understand why the surplus and deficit accounts has taken into consideration investments which are made, I know that it is not put in a profit and loss account. If I take and buy shares in a company or I buy a piece of land, you do not deduct it out of your profit and loss account. It is an investment and it does not go through there. But on a brief look at this, Mr. President, and I have not had an opportunity of fully going through it, it seems that contributions and investments to subventions of Government or related arms of Government have been written off through the surplus and deficit. And that can only be where the manipulation seems to have arisen.

We have made loans. We all know what they are. We made loans to schools, a college, Cayman Brac Power and Light Company, Turtle Farm, Cayman Airways Limited, Civil Servants Mortgage Scheme and it seems that somewhere along the line these have gotten caught into a profit and loss account which in here is called a surplus and deficit account. But the fact remains that when you look at the statement, even after you take these all out, we are in a position of general reserves of about $11 million and the deficit from the previous year was reduced by about $700,000 and will go into a profit this year.

It is never possible to balance between the general reserve and the surplus or deficit. You do not know until the end of the year what the accounts are going to be and the estimates are already made up, but there is nothing in these worrying because there is a general reserve in excess of the public debt of this country and I doubt if any other country can boast that at this time.

I would hope that the confusion of the jurisdiction of the courts within the United States of America and Cayman, the Bahamas, Canada and the United Kingdom can be sorted out. But this is in a stage where it is already public. These are the emanations of a system of Grand Jury which was abolished in the United Kingdom in 1933 where people are not actually indicted, but are taken into a secret chamber, a Grand Jury, where they are interrogated without the benefit of being able to take a lawyer in there,

HON. THOMAS W. BODDEN (EXTERNAL): Subpoenas have been issued before people have been charged in conflicts for instances in the United States have issued a subpoena duces tecum which is to produce documents. And where there is a conflict in jurisdiction between countries, the courts very seldom can settle international law, but once it is public as it is here then between the other arms of government, the executive and judiciary a settlement has to be reached on the question of conflict of laws. The usual rule has always been that one country respects the jurisdiction of another country and I believe that that will be the result, probably not right away, but in the long run of the problems which the third Elected Member from West Bay raised and said he felt that it should go through diplomatic channels.

Those channels, I am sure, are being pursued by the different governments, but also with it we do have an open issue which is now beyond the fiscal duty stage on some areas and one which I think is being appropriately addressed by the four countries. And I have many respect for the United States of America as a country and what it has done in progress in the free world, but times are going to come when we do have a conflict of laws and they must be settled.

I have asked for a fairly substantial sum of money this time to upgrade four areas of the Island and I support the Third Elected Member for George Town in what he has been doing.

My area of criticism outside of what I have said earlier touches on two areas. One is I feel that there needs to be a strengthening of the enforcement machinery of the General Planning Authority, supported with the Building Code which we should shortly get back from a very eminent authority in the field, to ensure that we do not have the creation of slum areas. I believe more policing, which the Member cannot do unless he has the support of this House for the personnel and the machinery to do it, should be carried out.

In many areas we are getting little slums arising without planning permission and it is all well and good to say, "look, it is my problem is Member for Social Services", but it is no good trying to deal with some when more are sprouting up than one can deal with. But it is going to need your support for reinforcement in this area and I know the Member has in the past asked for it and we have always taken it a bit lightly and not given him what he needs to do the job.

The other area is immigration. It is probably the most controversial portfolio and the Honourable First Official Member has my sympathy for having that portfolio. But, once again, many of these areas that are springing up without planning approval from within them immigrants which the Immigration Department do not know are in this Island. And I will support him fully for whatever is necessary to reform the enforcement of the immigration laws. We have a computer now and we should be able to get statistics on who do have illegally and who is not and endeavour to either legalise the people who are here or send them back if they are not legally here. It does exist - I go into these areas at times and believe me it is a fairly frightening situation to really realise that there are probably a fair amount of people here (and I am not alarming, but I would probably think in the hundreds maybe) who over the past ten or fifteen years have accumulated here and we need a tightening of that area of it. It also creates crime because if they cannot legally bank, they go out and they get money in another way.

It would have been good to have had more statistics when dealing with the Companies Protection Law, but I guess we have to use whatever tools are at our disposal and I would

HON. TRUDEAU (CONTINUING): have that that law, when it comes into effect now, will be properly enforced.

One other matter I would like to deal with is the way that this country has spent substantial funds and caused considerable mental agony to persons such as the Commissioner of Police in the carrying out of enquiries, investigations and reviews which have really shown that they were absolutely unnecessary.

The decision, I know, was supported by all Members here and to me personally it was a very difficult decision to make because I have always believed that a person, as the European Convention on Human Rights states, is innocent until proven guilty and should never be ruined by malicious rumours.

This scandal culminated in words that I hope will rest very heavily on the shoulders of the public who smeared this man Superintendent Gibson said, "He is without doubt a man of high moral and ethical standards. I am unable to unequivocably report that there is not a shred of evidence to show that the Commissioner at any time engaged in corrupt practices.".

In the past this was tried and we pushed it out here but then run the gauntlet and at the end of it we have really come to what I think is a dilemma because we have had professional people carry out these reviews, these reports and they have done so completely. Then was pressure which caused this to come about. We now know that that pressure could only have been politically inspired, pressure that we have stopped the wheels of democracy and started the wheels of a machinery somewhat unique to democracy, even though not unknown to it, namely. And after what I guess will be hundreds of thousands of dollars, what results do we have? The results are the true results, but I believe that most people in these Islands and perhaps in this House had to have doubts within themselves as to whether the process that we were putting innocent people under, was one which would have been acceptable to any other time.

This is where we have to be careful. I will never again, on the basis of what was produced at the beginning of these enquiries, move through the reviews, enquiries and the mental agony to these people that we did look upon for six months ago. It is regrettable and I regret that the machinery got to such a stage that people such as the Commissioner of Police were put through extreme mental agony. They will never in life get over what has been done to them by a few vicious people in the public. And it is because of this part of things why I am so much against Hon - Minister that. The little ones here and there do not hurt very much, but when they get into such an extreme stage, they hurt the country.

When you have the press abroad carrying about corruption within this country, it is something that we are not going to get over easily either. It is impressed on the minds of people internationally and even though this statement of the report was made, you will never really clear it up. Once impressions have and this is what we must guard against.

In this country a person is innocent until proven guilty and the day that we take and begin to destroy a person on the basis of uncorroborated and unfounded rumours, especially in this instance coming from a number of unstable country, then we have to have a long search with ourselves. I would not like to have gone through that five months and I do not think anyone else in here would like to have gone through it.

Petitions come in the past in literally the same form and they are going to come again and it is the duty of this House now that we have let people suffer and let the country

HON. TRUMAN M. BODDEN (CONTINUED): suffer, but proved that they were wrong, that we do not repeat this mistake. There is no more damaging and indictment to a country than to allege corruption within the Civil Service and especially the police. There is nothing to my opinion which damages more internationally than that.

You know, Mr. President, the United Kingdom has a Libel Act of 1843 and section 5 of it says this: "If any person shall maliciously publish any defamatory libel knowing the same to be false every such person being convicted thereof shall be liable to be imprisoned in the common jail or house of correction for any term not exceeding two years and to pay such fine as the court shall award.". Very short, very simple, but very effective and this in the case of the allegations against people, the police, the Civil Service, I am such as that would provide some sanction.

This is the reason, Mr. President, why it is a very simple matter to destroy something, but you try to piece it back together - it is impossible. Any fool can destroy, but it takes a good person to put it back together and you never get it back to the state it was in before the destruction. And I am serious when I say that at the end of this is not what there was nothing really involved, and I know at the time it was regarded as necessary and that was supported, we look back with 20/20 hindsight and realise that if we could have seen what the results would have been, what the mental agony would have been on innocent people, we would not have done it. It is a good example when it raises its head again in the future because these malicious people will remain in the Island and they will just begin to channel it through another path.

It is because of seeing results such as this that the statement made by the banking body in commerce in this country, seems to me so ill-thought out when they say, "We see no reason that any person should be protected from the consequences of any statements or accusations by them in public in a Committee.". We have seen the destruction of people and it is the duty of this country to protect the public and protect the public's reputation. Mind you that statement is not very clear because the way it is phrased it could well mean something different which would have supported what they are against, so I have to assume that taken on a whole that is what they mean.

I think we have learnt a bitter lesson and one that with God's help will not be repeated. But you will probably find that the culprits in this whole thing will get off without being charged, without having any civil suits against them and they are the survivors in a society of gossip and they will go on to destroy and destroy and destroy.

Looking back at the position that this country is in now, I feel that the Islands and the Members here should be proud of the economic stability within it. The figures are there. We are not, at this stage, suffering as I would say reeling from the effects of the world-wide recession. We have survived through it. We have a good general reserve. We have done large capital projects from local revenue and as the Hon'ble Elected Member from West Bay said and reminding the Principal of the High School's words, "We have made it and it so good.". But, Mr. President, like everything else it can be destroyed and the destruction as I see it within this country can only come from people known or spreading damaging remarks about the Cayman Islands, about its institutions, Government, its people, and its Legislative Assembly Members.

It can only come from an undermining by what the Honourable Fourth Elected Member of Executive Council referred to as persons who the electorate have rejected at previous

HON. ERNEST M. MAHON (CONTINUING): elections, the striving by them to achieve what they cannot legally achieve under the Constitution - that is to run the country. And each one of us here has a duty to say to these people, regardless of who it is, that while we remain as Members of this Legislature we intend to run this country in accordance with the wishes of a majority of the people and to listen to the minority, but not let them believe that they are a majority and use it a ploy to have a position of the veto wagging the dog. If we follow that, then it's very simple. We have a duty to our people, a duty to the Islands, a duty to ourselves and a duty to the Almighty God to carry out. Once we do that then it matters not what the feeling of the minority may be.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, under Standing Order 31, Sir, I beg your indulgence to make an explanation on a matter mentioned by the Honourable Second Elected Member with regards to my position and the press.

I acknowledge that I co-signed a letter with other Honourable Elected Members of Executive Council in 1977 requesting the media to be aware of the truth before it was printed. What I said in the debate concerning the media does not in any way contradict what was expressed in that 1977 letter. I have not changed my mind nor altered my stand about wanting the truth to be printed. What I said, Sir, in my debate was that we must not stop the truth from being printed nor must we inhibit the media in any manner.

MR. PRESIDENT: Thank you. Does any other Honourable Member wish to speak?

HON. JAMES M. BODDEN:

Mr. President, I am very pleased to be able to once more stand here and debate the Budget Address. I was not here when it was delivered by the Honourable Financial Secretary, but I too would like to congratulate him for the manner in which it was prepared and in my opinion for the very able and sensible job that he has been doing.

I personally have the highest of regard for him and I think the country is fortunate to have a man of his stature in the position that he is.

Nineteen eighty three, in spite of many gloomy predictions turned out to be a fairly good financial year for the country although this was accomplished in the face of a world-wide recession. But fortunately our growth continued in the financial sector, the insurance business, the companies and in tourism. This I think can be attributed a lot to the stability which the country has been famous for.

At this point I would like to digress somewhat and state that for the past six months this country has been trying to overcome a serious stomach ache problem. In many countries of the world, if you make a bomb threat or an airline there are very serious penalties that can come to you for making that threat. In my opinion what has been done by a small minority group in this country in the past six or seven months is equal to a threat of a hydrogen bomb being placed over the city of New York.

I have said it on political stands, I have said it in this House that the twelve Elected Members of this House have been elected by the faith that was put in them in the Manifesto and we are here to govern. As long as you operate within the Constitution democratically as we have all, whether the decisions made by the twelve Elected Members in here are right or wrong, history will prove it and the electorate has a chance to say something about it at the next election.

HON. JAMES M. BODDEN (CONTINUING): I believe that if you govern to your best ability then you do not have to be sorry for anything. I think that we have proven that we were capable of doing that. I feel that when you govern you must govern firmly, but you must govern with a strong hand too. For the past six to seven months we have degenerated to the point where in my opinion we are no longer the capable Government that we have boasted about, but we have come to the point where it is a case of the tail wagging the dog.

I have been back in the Cayman Islands for twenty years now after being absent for about sixteen. In that twenty years I have heard all kinds of allegations voiced. Nothing different from what we have heard in the last few months. But when we hear about these allegations, Mr. President, we must take time and we must look at the source from which they come.

We have in this country and we have had it emanating from the Bodden Town District since about 1960 when certain people were frustrated and could not obtain a seat in the Legislative Assembly and they embarked on a path that would have destroyed this entire country.

I think it is a shame. I would not agreed that we would go ahead with the investigations. At the time I said there was nothing more to be found out, we would only spend a lot of money, we would get a lot of bad publicity and we would come out with the same thing that everybody knew at the beginning. I think time has proven me partly right in that and I will prove me completely right in the end.

We have let this evil minority, we have given credence and credibility to utterances from known criminals. We have paid attention to the idiotic pronouncements of people like Sybil Bodden, Malcolm Rush and the Lawrences and allowed this country to come to the brink of disaster. Mr. President, I think we made a very wrong decision because the threats that were made by them had been made on many occasions in the past and no one had given it any credibility knowing the source from which it came.

These people will further destroy this country if allowed to continue to do so. I think it is time that a halt be brought to it and that is why I began speaking on this by saying that in certain countries of the world a bomb threat carries a very serious penalty. I think what they have done to the Cayman Islands is worse than any bomb threat that could have been made and I hope in the course that they will be dealt with and dealt with in a manner in which they should be dealt with.

I had no doubt, but for what the report of Mr. Gibson would have exonerated Commissioner Stowers in the manner in which he did. I said before that I was honoured to call him a friend and I will still state that and will continue to state it until I personally know otherwise. I think he has been a very capable man. He has carried out to the best of his ability his job, working along with the wishes of this Legislative Assembly. It was the Members of this Legislative Assembly who wanted, and I would say, gave Commissioner Stowers a mandate to reorganize the force, to get us the training people here rather than to send them to Barbados and I could go endlessly on with it. He carried out those wishes and now we try to blame him because he carried them out.

I know there is a motion being circulated and I am sure there will be quite a lot of debate on it, but so that no one will have any idea as to whom I stand, I will tell you it will have my full support when it comes to the floor.

My colleague on my left here (Honourable Second Elected Member of Executive Council) in his address a while ago spoke about the need for Legislative Assembly Members to have offices

HON. JAMES M. BODDEN (CONTINUING): where they can be approached by the public. This is something again that I raised for seven years ago and at that time in discussions with the previous Governor I brought it out that each district should have a place as an office for the Member of the Legislative Assembly from that area. The public needs to be in contact with you and I know what it is like with us being in Executive Council, there are a lot of times when people will tell you they cannot find you because we are in one office or we are in a committee meeting and the next place or the other. And I think it is the time that a little bit of money be spent to afford the Elected Members the opportunity of having decent surroundings in which they can meet with their electorate.

I also fully endorse what he said with regards to the four Honourable Elected Members of Executive Council having personal assistants who could ferret out things and work with them. Again this is something I brought up about six or seven years ago with the previous Governor.

I have great faith in the Civil Service and I think by and large we are lucky to have some that we do. But I do feel that the four Honourable Elected Members of Executive Council, whoever they may be (if it happens to be the four of us or next year or another four), but they should have the opportunity of selecting from the public a person whom they have full trust in and whom they feel can carry out the bidding and not be hamstrung by the restrictions and whims and fancies of the Civil Service. I hope that this will be recognized and that something will be done about it.

I am fully in agreement with the measures that my colleague, the Honourable Second Elected Member of Executive Council, plans to take with regards to drug and alcohol rehabilitation. These are areas that should have been attended to a long time ago, but it is like many other things that face this Government – as and when able to do it sometime until we have adequate funds with which to do it. I hope that the Members of this Legislative Assembly will fully support these measures.

It is time I think that our young people who commit any minor offences should be given an alternative rather than going and being incarcerated in Her Majesty's hotel on Northward.

Further along these lines I will make another proposal to this House today. It is not covered in the Budget, but the Wahoo Wild was built in this Island many years ago and personifies the heritage of this country. Many, many Caymanians sailed on that ship and many, many of them endured a lot of hardship. I think it is a wonderful gesture that has been started to bring this vessel back to Grand Cayman. But I think it is a shame when I read that the funds are lacking to the extent that they are because the local people have not come forward.

There are outside sources I understand who are quite willing to put up the money to finish paying off for this vessel. I do not think that is the right avenue to embark. I think this personifies Cayman. It represents a great part of our heritage and I would hope that in Finance Committee the remaining funds that are needed will be voted to pay this vessel off so that we will not be ashamed when she comes here and the money is not available. But in doing so, I hope it will be run under some committee of Government and Government will be fully represented on that committee. I would hope that this would be turned into a training ship to train our youngsters. They may not wind up being master mariners or seamen for long, but I believe me it will give them a background that will enable them in the years to come to stand on their

HON. JAMES M. BODDEN (COMMERCE): feet in whatever position in life they go into. And I think that we could do nothing better than this, but to try for our first offenders. If we put children who have committed petty crimes and are sentenced to a juvenile home or even the younger people who are over eighteen years who are sentenced on a drug offence for the first time or something, I think one of the best things we could do for them is to put them on that ship with good supervision to let them see what the sea is all about. I put it forward as a idea and I hope it will germinate in the minds of the Members of this House.

Mr. President, it is very encouraging to see that although the Cayman Islands have an import just about anything that is needed in this country and with the influx of tourism and so forth that we have been able to keep the consumer price index with only a 5% rise in two years. I really do not know who to compliment for it, but I think it is something that most countries of the world would be very, very proud to be able to say.

Another thing which this country I think should be very pleased about is that actually we do not have any unemployment. We have some of the unemployables, for instance right out here under the trees you will find a couple of them and they are always there. In a few other areas you will find them. You cannot count these people as unemployed because if you were to offer them the President of the United States of America's job they would not take it. So I think we are lucky because the people who want to work have found work and in most cases or in a lot of cases have more than one job to attend to. So the people of these Islands really should be on their knees a lot in thanking God for what has been bestowed upon us.

I am very pleased to see the success with which the Agricultural and Industry Board is being administered. I am very proud to know that this was an accomplishment of this administration. But what really gets me to a point is when I see people who have benefitted so much from this scheme [and that I know the Member responsible for that portfolio has stuck his neck out on so many occasions for] and who just a few years ago were what I guess you could call good farmers with a hoe walking around finding little holes where they could find a mouldy stick something like with probably not two pennies to rub together. And all of a sudden after he has received such great benefits through the Agricultural and Industry Board he is now considered maybe affluent and successful in quite such degrading letters as I have seen him write in the press recently. I just wonder how ungrateful the people of a Caymanian can be. I wonder what you will have to do for them in order to get them to appreciate something good.

The Currency Board we would be in a very strong position and it is something again that we should be very proud of to know that we have $18.3 million in assets in the Currency Board and that in 1981 it was able to supply the general fund of the Islands with $1.4 million.

The Law School is something again which started with this administration and I am very proud that we were able to get started. The results seem encouraging and I am hopeful that more and more young Caymanians will take advantage of it because the law profession seems to be a very lucrative profession and one that is held in high esteem. Although it may take many years of hard work, if they have the ability they can accomplish it and I hope that many, many Caymanians will take their rightful place by working through the Law School.

I am pleased to see the increase this last year in the Class A and Class B insurance companies to the point

HON. JAMES M. BODDEN (CONTINUING): where I think we have about 300 of them licensed in the Island now. And where you can see the results of this is when you see buildings that go up like British American and the Trans National buildingsand so forth. These buildings have added a tremendous boost to our economy and they would not have been here if it had not been for the insurance business which is carried on here.

Tourism last year 1982 was a drop overall of 2.2% on air arrivals although there was a large increase in the cruise ship arrivals. This year to date our annual figures stand at about 8.3% above 1982 and hopefully by the end of the year we may wind up with about a 10% increase. This has not been easy. It has meant a lot of long hard work by many people.

The hotel enquiries are up which in turn means Government is making money from the customs duty on the imported material as well as the fee which is charged to the hotels. Some hotels have upgraded themselves, but there is a lot more that needs to be done. I think this is an area where a lot of education is going to have to be employed because most of these people will have to learn that they cannot expect to have a high revenue and then take it all out in profit and expect business to continue well the next year as it was the year before. So along with this, hopefully the first of the year - God willing, I will be bringing to the House some new legislation to try to enforce higher standards in the hotel industry.

I think it is safe to assume that the tourism industry in the year 1983 will put approximately US$100 million into circulation in the local economy and that is nothing to sneeze at. For 1984 I have put forward a proposal for $481,615 for advertising. Public relations - $458,100. Collateral material - $305,100 and to staff the offices overseas - $845,001 or a total of $8,820,816.

Now, Mr. President, this is offset by the hotel fees, duty to Government and the annual fee of $2.4 million. So actually, directly, this is self supporting.

Projected in 1984 is 144,066 people in air arrivals; 202,500 in cruise ship arrivals, a total of 346,566 people. That means that on advertising our cost per tourist average out at $2.77. If we break it down to air arrivals it is $8.87 and for the cruise ships $4.75. So I am only giving these figures, there are a lot more that I can give, but to prove that tourism is one arm of Government that actually can just about pay for itself in direct revenue by coming back to Government.

I am very pleased that we can continue our policy this year of lifting duty on certain foodstuff and that we have continued to give the exemption of duty in certain areas of agriculture.

What the Member is doing with regards to the marine parks, I fully support because it is a part of our heritage and environment that we must preserve if tourism, for instance is to continue at the pace which it has been for the last few years.

With regards to Cayman Airways, I am hopeful that by the next session the accounts will be presented. They have been prepared in draft form, but they have not yet been completed by the Board. That was the reason they were not tabled at this meeting.

It has shown for the 1982/1983 year a substantial loss because we had to account for the sale of the 340 A-11's and for the depreciated value on the stores and the loss on the Cayman Brac run of approximately $1 million. These are not figures just taken out of a hat, the accounts are now kept on an international basis and on a sound basis. So the figures are as accurate, I think,

HON. JAMES M. BODDEN (CONTINUING): as they possibly can be.

Government has spent a lot of money in upgrading the Cayman Brac airport and as most of you are aware we plan to commence service there in a very short time.

There is one flight that we also plan to initiate to the Turks and Caicos Islands through Kingston and then Cayman Brac and Miami. I can only hope that it will prove a success, but it will only have to be on a break even if it does not work out we will then have to fall back off of that run.

We have another serious problem effecting us right now and that is in regards to getting our money out of America. We have had extreme difficulties although this is covered under many countries of the United Kingdom and all the colonies of the world, but America just does not have the money for foreign exchange. We have taken a terrible whipping on it. I have issued an order which I have to bring approval but that we will only sell tickets in America if we get United States dollars. It is better to run the service with thirty people who have paid United States' dollars for their tickets than to run it with 100 people who have paid in Jamaican dollars.

Naturally we cannot continue this state of affairs for very long. I have passed it on to you, Mr. President, for the proper channels in England and I am exploring several things that we can do that may alleviate this problem, but it may come to the point in the very near future where we will have to ask the United Kingdom Government to abrogate the treaty and to let Air America quit running here and we quit running to Jamaica. So I am just advising you of it in advance so that you will know what may be happening in the near future.

I am very pleased to know that this year the Police Department has had such great success in regards to the down traffic. Before I think you could say we were getting the leaves, now it appears that we are getting the nuts and some of the limbs of the trees. I hope that this trend will continue. I feel that a great crime has been put to the ding traffic and I hope that shortly it will be just about dried up for the island.

MR. SPEAKER: I am told that the tape is about to run out. I do not know whether the honourable Member will be finishing in a minute or two or whether it may be convenient if we take a short break?

HON. JAMES M. BODDEN: Well I just had a few more things - maybe ten minutes, but I will take a break.

MR. SPEAKER: I do not think the tape will last ten minutes. I think it will only last about one or two minutes.

HON. JAMES M. BODDEN: Well I need a smoke anyhow, Sir.

MR. SPEAKER: In that case has an unusual proximity for about fifteen minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:40 P.M.

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

HON. JAMES M. BODDEN (CONTINUING): Mr. President, when we took the break I was speaking on the police and I am going to touch on the other points that I was going to speak on which would have taken me about a half a day, but I am going to sum it up in about ten minutes.

I think a great disservice has been done to the police in this country and it is time now that we right the wrong because any country that does not have a police force which is respected will soon have chaos to contend with. And I would say to the Members of this House that if they think our police force is looking, they are thinking the wrong thing because the police have become so good that they have been able to find and apprehend a well known motoring member and instil such fear in him that after he was fined and his license taken, he fell down the steps of the Court House. So I think the police are doing an excellent job. (laughter)

I am very pleased, Mr. President, that the Government has had the energy and the foresight to purchase the Cayman Turtle Farm. I know it can be argued pro and con and it will be argued that it is costing us money to continue to operate it, but it is a great part of the heritage of this country; it does offer employment to many people and hopefully one of these days the ban will be lifted in the United States of America.

One of the encouraging things that everybody in this country should be glad about is that our public debt only stands at $9.1 million and this is only a very small increase of a little over a million dollars in the last seven years of this administration and it now only takes 4.4% of general revenue to service the long term debt.

The airport terminal is a large project on which this country has embarked, but it is something that should serve the country for the next forty to fifty years and I think everybody will be justly proud to know that such a small country as ours will have such modern facilities in the very near future. The control tower which is a very modern complex is just about complete. There are just a few panels here and there I think to be put in, but it is operating very efficiently.

I have to compliment my Elected colleague with regards to what I consider a great success within the last few years of the medical situation in this country and the subsidy. I think that we have a school system that we can be mighty, mighty proud of. There are few countries of our size able to spend the money on a school system that we do. With regards to the medical situation, I know we would all like to know that it is 100%. It may take us a long time yet to get to that, but after all medical services are subsidized to the tune of about 92%. So for the 8% they are paying for, they really in my opinion are getting a lot.

The Hotel Training School, the Marine Training School and the Building and Trade School are operating fairly efficiently. I would hope that more youngsters would continue to attend because it is a chance for them to develop their aptitudes for the future.

I have to give great compliments to the Fire Service. It is ably administered and it is one section of my portfolio that I never have a complaint from.

HON. JAMES M. BODDEN (CAYMAN BRAC): I must commend my fellow Member and long term colleague the Fourth Elected Member of Executive Council for all his efforts with regards to the water and sewer scheme. This is something that the country has long needed and we must not kid ourselves - it is going to cost us quite a bit of money in the future. But it is something for the long term growth of the country that must come about.

$1.5 million has been provided for the increase in salaries of Civil Servants and I hope that they will be satisfied with this amount. I was again will say to this House, as I have said in Executive Council, that I think it is the time that the complete system of Civil Service in these Islands be overhauled, streamlined and put on a more efficient scale. We lack very much middle-management and we have to prepare our youngsters coming back from abroad for these positions because they are not going to be willing to start at the bottom of the list and I think we have to get to a point where promotion is going to come by merit. When we remember that we are debating a Budget of about $80 million with better than $18 million going in salaries, that is a very large bite out of the overall amount and everyone should perform capably and should give a good day's work for a good day's pay.

We have embarked on a fairly large capital expenditure for next year, but it is very heartening to see that $11.7 million of that will come from general revenue and not have to be borrowed as it was in the past.

So far as I am concerned 1984 must be a year in which we spend money and we attend a lot of attention to the country fields of the Islands and the cultural centres. This is something that cannot be overlooked any longer and we must be prepared to put Government's money into it.

One last thing, Mr. President, is the Cayman Islands Museum. The time has come for us to find a home for that and I intend to try to do something about that in the very near future. I must commend the people of Cayman Brac for what they have done with regards to theirs and I am hopeful that I will have the support here when the time comes.

Now, Mr. President, I hope that that will help me that I will be here to debate the next Budget Speech for the 1986 Session of the Legislative Assembly and I wish everybody season's greetings for this year and I would close and yield the floor to the next committee meeting by asking you to please keep in mind that when you get the applications like the Lawrences and Bokhamer have coming to you in the future, you will apply the numbers of Mr. Truman's psychiatrist immediately.

Thank you, Sir.

HON. MICHAEL A. EASTLEY: Mr. President, Sir, I will be brief. I think it would be remiss of me if I did not add my own personal congratulations to the Honourable Financial Secretary for the labour, one of the labours of Hercules, in the preparation of his annual Budget Address.

It is a difficult task, Mr. President, Sir, to make a difficult subject appear clear and simple, but this I think all Members would agree he has managed to do.

Mr. President, Sir, when I was here at the Budget Session last year I was a relative new comer to this Chamber and to the position that I hold. Can I say, Mr. President, Sir, that in the year that has passed since then I have become more acquainted with the Island and I can say without fear of contradiction that sitting on each side of me here are the people of whom these Islands ought to be justly proud.

HON. MICHAEL J. ARNOLD (CONTINUED): Mr. President, Sir, life in the Attorney-General's chambers in this past year have not been dull. There have been many problems, there have been many difficulties, there have been many unexpected things that have occurred in the life of this country. But I, as many times, have felt tempted to speak out but have exercised silent because, Sir, there is entrusted to the Attorney-General in our Laws a confidence and a discretion as regards the carrying out and enforcement of prosecution process. And now I say to Elected Members, to Official Members, to you and to this community that as long as I remain and have the honour to remain in this office that I will carry out my duty to criminal and civil capacities as fairly as I can without fear or favour and no persuasion of any kind will deter me from that.

Thank you.

MR. SPEAKER: I understand from the proposer of the motion that he would really be convenient if the House were to oblige him for him to postpone his reply until Monday morning. Since all other Members have spoken, that would conclude today's proceedings, but Members will recall the request that was made earlier this morning for a brief meeting to discuss broadcasting of debates. Subsequently there was circulated, I think, a note by the Chairman of the Business Committee though I see he unfortunately appears to have been called away. However, even in his absence perhaps we can usefully have a brief meeting, so after the adjournment will those Members who are able to perhaps move to the Committee Room.

ADJOURNMENT

HON. D. H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m. Monday.

MR. PRESIDENT: The question is that this House do now adjourn until 10:00 o'clock on Monday morning.

Unless any Honourable Member wishes to speak I will put the question.

QUESTION PUT: AGREED. AT 3:05 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., MONDAY, 30TH NOVEMBER, 1981.

BUDGET SESSION AND
FOURTH SITTING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
MONDAY, 28TH NOVEMBER, 1983

PRESENT WERE:

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

GOVERNMENT MEMBERS

HON DENNIS B FOSTER, CVO,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 A WALKER	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON NORMAN M DOUGLAS	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M DOUGLAS	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE
HON G RALPH HOLDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND 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	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
CP W NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS AUDIT RUTLAH BODDEN, OBE	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
LT CDR CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
CAPT MARTY G KIRKCONNELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

SEVENTH DAY

MONDAY, 23RD NOVEMBER, 1953

1. NEW ZEALAND STATUTES (1908) BILL, 1953

INTRODUCTION OF SECOND READING DEBATE.

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MONDAY, 28th NOVEMBER, 1983

10 a.m.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. The Appropriation (1984) Bill, 1983. Continuation of Second Reading Debate. I think I am correct in believing that all Members have now spoken so I will call upon the proposer to exercise his right of reply if he wishes.

THE APPROPRIATION (1984) BILL, 1983

CONTINUATION OF SECOND READING DEBATE

HON. V.C. PETERSON: Mr.President, I acknowledge with thanks the kind congratulations offered by Honourable Members on the format and contents of the Budget Address and its delivery.

I have taken note of the wishes of some Members who think that the address could be placed where members of the public, especially the children, would have access to it.

Mr.President, on Friday a week ago, when I delivered the Budget Address, I felt a little like a joke I once heard about a speaker. And it is as follows A man walked out of a hall where a speaker was addressing a meeting. Some-one in the corridor asked if the speaker had finished his speech. He said "yes, he finished his speech shortly after he started, but he has not stopped talking.".

Mr.President, it may appear to the public that all sorts of figures are being published on the 1983 financial year and so to avoid any misunderstanding by the public on this matter, permit me to explain what actually took place.

The year 1982 began with a balanced budget of $48,424,442 and with a meagre estimated surplus of $218. In March, 1982 Finance Committee approved a Supplementary expenditure of $1581 as a capital injection in Cayman Airways and gave the Financial Secretary permission to draw down on the general reserves to provide the cash for this purpose.

This decision, Mr.President, pushed the 1982 estimated expenditure to $50,383,615. Further approved supplementary expenditures of $4,605,015 were granted during the year. Some approvals dealt with the following projects -

The Beautification of the Lower Valley well field
Funding for the Royal Visit, that is to meet local expenditures
Re-construction of road
Improvement of the Gerrard-Smith airport
Cayman Brac Port Project

The total estimated expenditure had now reached $54,988,630 and I will be coming back later to these figures, Mr.President.

General reserves in this country are provided from annual surpluses of revenue over-expenditure, that is revenue collected is greater than spending during the year and also general reserves are further created by interest accumulated on the funds placed on fixed deposit.

Now, Mr.President, let us look at the surplus and deficit account which is a separate account from the general reserves. It accumulates surplus and deficits. Surpluses increase it while deficits decrease it.

On approval by the Finance Committee

HON.T.C.TEMPLEMAN (CONTINUED): some of these surpluses are transferred to the general reserve account.

Let me try now, Mr.President, to relate the two accounts and the annual surplus or deficit to it.

I will give some figures each year of the annual surplus or deficit, the balance of the surplus account and the balance of the general reserve account, and I have selected a number of years, Mr.President.

In 1974 the deficit for the year was $167,574
The balance of the surplus and deficit account at the end of that year (1974) was $3,018,035.
And the balance of the general reserve account at the end of 1974 was $353,137.

Now, Mr.President, I could quote figures from 1974 straight into 1982 but the objective is not to try to confuse anyone, so I will select a number of figures which would help to clarify some points in the minds of the public.

In 1975 the annual deficit was $2,420,794
At the end of that year (1975) the balance of the surplus and deficit account was $410,758 negative balance
The balance of the general reserve account was $353,137
By 1977 the annual deficit was $862,169 and the balance of the surplus and deficit at the end of 1977 was a negative balance of $686,577 with the general reserve standing at $49M,82M.
By 1980 the annual surplus for that year was $1,899,257
And the balance of the surplus and deficit account at the end of 1980 was $7,706,664.
The balance in the general reserve was $0,371,053.
In 1981 the annual surplus for that year was $820,541.
And the surplus and deficit account at the end of 1981 stood at $8,658,887.
With the general reserve standing at $1X,51X,47M.
As evidenced by the 1982 accounts the annual deficit for 1982 is $823,1xx.
And the surplus and deficit account has a negative balance of the same figure $823,126.
The general reserve shows a reduction to $10,868,403.

Mr.President, the Auditor-General's examination is that we drew down $1,549,077 of the general reserve, as evidenced by the difference between the 1981 and 1982 balances, that is 1981, $12,618,470, less the 1982 balance of the reserve account $10,868,403, and we also withdrew $7,4M2,M0M of the interest earned on general reserves during 1982.

If we add these two figures together, that is $1,549,077 and $1,992,503 it will total $3,441,M0M, or the identical figure mentioned on page 9 of last year's budget address, that is - and I quote - "Also supplementing the revenue was$3.4M transferred from general reserve to assist Crown Agencies".

During 1982 we used the accumulated surpluses of $0,868,887 the same as we did in 1975 when the surplus and deficit account as earlier indicated, showed a negative balance of $414,760.

In that year, 1975, Central Government was also dealing with recessionary pressures. However, Mr.President in 1982 we were not only dealing with recessionary pressures around the world but were required, for safety of the passengers flying on

HON.V.G.ARCHER (CONTINUING) the EAC-II to consider changing them.

When I arrived at the Financial Secretary office and took over the chair on 1st April, 1982 (All Fools Day), there were only two decisions I could make to find $15M, either we drew on the general reserve account of $12,512,678 or the surplus account of $2,553,447. Therefore, Mr.President, we had at that time $40M when we combined the general reserve account and the surplus and deficit account.

I decided, as evidenced by the 1983 accounts and the Auditor-General's report, to use the surplus balance of $2.5 and $2.4 of the reserves. Mr.President, I firmly believed that was the correct decision to take, because at the end of 1983 the general reserve balance was $10,903,502. If we take the balance of the general reserves and the surplus and deficit accounts we had, as I said earlier, $40M when I took office, and Cayman Airways re-ceived $14M during the year.

Taking only these two figures and not including the additional supplementary of $1.4M, the general reserves should be $27M instead of $11, which we have. That is $13M for Cayman Airways, subtracted from $40M which we had on that particular day when I took office.

The Auditor-General, in his explana-tion on the general reserve surplus and deficit account, paragraph 5 of his report, stated that the excess of expenditure over revenue at 31st December, 1982 was $10,906,540. He arrived at the figure because he did not include the drop down on general reserve of $1,548,077, nor did he include the surplus of $8,533,237 brought forward from the previous year. These two figures, when added together total $10,081,314 and the difference between this sum and the Auditor-General's figure is the true deficit of $825,185.

Mr.President, the method of dealing with the draw-down on general reserves, the bringing forward of surpluses and the method of accounting for it in the Estimates have been long established and has the approval of the United Kingdom Government, according to my predecessor, therefore there should be no question about how these are treated in the Estimates.

Mr.President, any previous year's Estimates one wishes to select, even if we go back to the 1981 estimates, shows the previous year's surplus being brought forward and utilized to fund the year's expenditures.

I hope that we can now put this matter to rest.

Mr.President, perhaps a clearer account-ing presentation would have been what is set out below, which is identical to the method used in the Cayman Islands over the years, and it is as follows -

General reserve balance at 1.1.83	$8,533,337
Estimated revenue for the year at 1.1.83	$83,714,838
Additional revenue collected to 31.12.83	$ 949,707
General reserve draw down:	$1,548,077
Interest on general reserves	$1,984,604
Receipts from loans and grants	$ 939,680
making a total balance for the year of	$97,187,086

And if we subtract the total expenditure for the year of $98,444,767 we come back to that true figure of $825,185 deficit.

Taking into account this deficit and the 1982 total approved expenditure of $82,408,475, including all

HON.T.C.JEFFERSON (CONTINUED): supplementaries, it would appear the control of expenditure must have been handled wisely although not rigidly.

Mr.President, thank God we are living in a democratic country where spoken views in this Honourable House can differ, but our continued interest in the future development remains of paramount importance.

I agree with the Second Elected Member from Cayman Brac that duty should be removed from Item 12:2 of the First Schedule of the Customs Law (Revised), that is duty on oil used for kerosene lamps. As a matter of fact he reminded me on Wednesday morning before the session began that he had mentioned it last year and of my reply that I would give it favourable consideration.

Mr.President, when this Honourable House is dealing with the Customs Bill I propose to move an amendment to remove duty from kerosene used as oil for lamps.

Moving on, some Honourable Members raised some concern about the new Customs/Port Authority building and the fact that Government has only given approval for a temporary one-storey building to bridge the gap. Mr.President, before a new building can be constructed one solution is a temporary two-storey building will have to be built to provide office space for Customs and Port Authority staff, as the present Customs and Port Authority offices have to be demolished to make way for the new building which will be located on the area where the Port Authority and Customs Offices presently stand. This is the reason why Government gave approval for the one-storey to begin now.

Mr.President, I think the Bonaventure programme has done quite well. The problem is that the parents (some of the parents), when the child is placed in the home they do not make any further contact at all with the home so, Mr. President, how is the child going to cope with his home environment, or learn to cope with it, if he is not allowed to visit the home periodically? This visit can also be seen as a test of the child's abilities and the things he has been taught at Bonaventure House to deal with his home environment. The ideal situation is for the parents to make weekly visits and receive parental counselling, together with the child to produce mutual respect, harmony and obedience.

Mr.President, one Member made reference to the expenditure being $60.8M and suggested that there was a 06M short-fall because the ordinary revenue is only $54M, the short-fall referred to and the way he tried to interpret it, Mr.President, should be $7.8M and not $6M and I would remind the Member that the $60.8M also includes the $4.6M in capital expenditure, therefore if you are going to reverse the revenue we should also remove the expenditure because it is an off-set, and if we do that, if we remove the $4.8M from $60.8M the expenditure would then be $56.0M, but the figure of $54M, Mr.President, does not include the new revenue measures of $1.8M so you must add that to it as well, if all of this is taken into consideration the concern of the Member should fade away.

To further clarify the matter let us look at the revenue. 1982 estimated ordinary revenue is $54M. The 1984 new revenue measures is $1.8M and the loan receipts is $1.8M making a total of $58.6M. Then if we subtract the expenditure 1984 estimated recurrent expenditure is $51.8M. The 1984 New Revenue is calculated at $1.8M and the 1984 Capital Expenditure

HON.T.C.JEFFERSON (CONTINUING): is broken down into two parts - Capital financed locally - $14.7M, capital financed by loans - $4.6M and if we total this all up we arrive at a figure of $19.3M, resulting in a surplus of $.7M or $729,814, less the brought forward 1993 estimated deficit of $158,848, resulting in a 1994 surplus of $.5M or $570,774.

Mr.President, if I have correct notes of the debate, all Members supported the need for the sewerage collection and treatment work system along the seven mile beach, in particular, and with the objective of keeping Members informed, I have to report that recently a team of senior officers of the Caribbean Development Bank, including the Vice-President, visited the Cayman Islands and funding of the first phase of the sewerage project was put before them.

Where their assurance was given that the Caribbean Development Bank does have funds for this purpose and the bank would normally fund approximately 80% of the expenditure and the bank also gives terms of 15 years plus 2 or 3 years moratorium.

Mosty on, the Honourable Member for North Side asked the question concerning who pays when there is an accident involving a Government vehicle. Normally a claim is made on our insurers who settle in accordance with our vehicle insurance policy. If the settlement is less than the cost of the repair, etc. that additional amount is paid by the driver.

In minor accidents the officer .. primarily pays but the merits of the case are taking into account. This explanation is based on the assumption that the driver of the Government vehicle is at fault.

Mr.President, the First Elected Member from George Town indicated that it would be useful if statistics on the Civil Service could have also been incorporated in the 1993 budget. Of those there are 1286 Civil Servants of that figure 62% are Caymanians and there are 255 Civil Servants on temporary terms of employment.

Some Member, Mr.President, said the increase in the Civil Service needs to be explained and he suggested that the increase from 802 Civil Servants in 1978 to 1288 Civil Servants in 1988, a lot of it was caused by the need for more service and the setting up of new departments. I agree with the Member that new departments were created.

In 1978 we had 15 Departments, today we have 20 and next year we will have 30. Some of these Departments were sections of a major department and as the years went by from 1978 we saw the need to make that section a Department. But, Mr. President, when a country has one civil servant for 15 members of the local public, it is time for someone to speak about it.

Mr.President, let no person get the wrong impression. I am not speaking against civil servants; I am speaking about the system that examines needs and governs the Civil Service. I am part of that system, I am also one of those senior Civil Servants who maximum six weeks leave, therefore I am speaking about myself too.

I believe and suppose, having one rule in the civil service which must apply to all Civil Servants. We are not talking about personalities, we are talking about the system and I believe it is complimentary to us Civil Servants to periodically examine our system in order to provide a more efficient and

HON. T.C.JEFFERSON (CONTINUING): economical service to the public. Mr.President, who better to speak about the system and its weaknesses than one of those who understands it.

I am also a firm believer that when you have a problem or see one in the future it should be addressed immediately. It must, however, be thoroughly examined before any action is taken, especially when dealing with person's lives.

One Member, I believe it was the First Elected Member for Cayman Brac, who suggested that more in-service training should be given. I agree with that suggestion, Mr.President. I think the time has arrived for Government to set up a training unit and to adequately staff it, to require it to conduct training courses all year round, for all levels of the Civil Service, especially new entrants. This, I believe, Mr.President, is a priority for 1984.

I am recommending that Government establish a training unit with a Director who should be a person au fait with the training needs of the service. A local counterpart, who perhaps could be a teacher or a former teacher, a competent secretary and a clerical person to assist.

I also think it is time, Mr.President for Government to consider the introduction of time-clocks in each Government building for the staff. This is one method of keeping track of the weekly or monthly hours work.

Mr. President, going back to the training unit and my recommendation, while this may result in an increase in staff of one or two persons, because I believe we can find 8 of the 6 persons from within the service, it will pay handsome dividends in time savings and more efficient use of time and higher productivity of Civil Servants in general.

The importance of the Cayman Islands Government to efficiently service local residents and the international world of finance is far greater than any one of us in the service, Mr.President.

The stability of the Cayman Islands is critical to its future development. We must maintain our political stability. We must maintain our tradition of good common sense, of putting forward a balanced budget each year. I realise must is a strong word, but it is indicative of my feeling on the matter.

Salaries of Civil Servants are a major item in the 1984 Draft Estimates and it is not financially prudent for the service to continue to grow at the compounding rate of 8.92%.

We all have our responsibility to this country, Mr.President and I would like to close my winding up of the debate on the Budget address and leave every listener with the words of Nelson A. Rockefeller on the subject of responsibility - He was speaking to Americans but I believe that where the word "American" or "America" appear we could substitute the words "Caymanian" or "Cayman". He said, and I quote - "The nourishing of the American system requires a sense of responsibility, not only on the part of the individual citizen but especially on the part of America's leadership. I am not speaking alone of political leaders but of the leaders of all phases of our society as well. To the extent that they do not exercise their power and influence in the direction of the common good. They are undermining the very system that has given them that power and influence.".

Thank you, Mr.President.

MR.SPEAKER: My understanding of the provisions of Standing Orders 63 (1), (2) and (3) is that both the Estimates and the Appropriation Bill now stand committed to Finance Committee. I do not know whether the Members have considered at all how soon Finance Committee should meet, or whether the Third Official Member has consulted with them.... Is it the intention that Finance Committee meet this afternoon or meet later this morning or has it not been....

HON.V.C.JEFFERSON: Mr.President, I would appreciate it if you enquire from the Members. I am in their hands, I could start in five minutes time.

MR.PRESIDENT: What I would suggest is that the House adjourn until a time to be arranged, in other words the House would meet again once Finance Committee had finished its business, sometime later this week, I hope, but as to whether Finance Committee should meet after we have suspended proceedings for fifteen minutes or so this morning, or meet this afternoon, I am in Members' hands. Would it be convenient to go straight on this morning after a short break....

HON.JAMES M.DODDEN: Mr.President, I would move that we go right on after fifteen minutes.....

MR.PRESIDENT: .....after a fifteen minute break.

CAPT. CHARLES L.KINGSNORTH: Mr.President, I suggest the same thing, Sir.

MR.PRESIDENT: Well, then, in that case, in fact it will not be a fifteen minute break technically, it will be an adjournment of the House, I am sorry, but an adjournment of the House on the understanding that Finance Committee is going to meet after fifteen minutes or so after the adjournment.

And I think I would invite the First Official Member to move that we adjourn until a date and time to be settled.

ADJOURNMENT

HON.D.H.PUSEY: Mr.President, I move the adjournment of the House to a date to be advised by the Clerk.

MR.SPEAKER: The motion before the House is that this House do now adjourn until a time, probably later this week, to be advised by the Clerk. Unless any Member wishes to speak I will put the question. Will those in favour please say Aye, those against No, the Ayes have it. The House will now adjourn but Finance Committee will meet in fifteen or twenty minutes time.

AT 10.57 A.M.THE HOUSE ADJOURNED UNTIL A DATE AND TIME TO BE ADVISED BY THE CLERK OF THE LEGISLATIVE ASSEMBLY AT THE CONCLUSION OF THE MEETING OF THE FINANCE COMMITTEE.

PUBLIC SESSION AND
SIXTH MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON
THURSDAY, 1ST DECEMBER, 1988

PRESENT WERE:

HIS EXCELLENCY THE GOVERNOR, MR C PETER LEAPER, CMG, OTO – PRESIDENT

GOVERNMENT MEMBERS

HON DENNIS F ROBERTS, OBE, ISO, JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J HANDLEY, LLB	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION
HON DONALD C JACKSON	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN P McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON NORMAN M ROSSER	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL SERVICES
HON JAMES M BODDEN	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND PORTS
HON G HAIG BODDEN	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

NON-OFFICIAL MEMBERS

MR J CAMPTON SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D MALCOLM ROBERTS	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BRUCE C EDWARDS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR V NORMAN BODDEN, MBE	FIRST ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE PRITCHARD BODDEN, OBE	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT CHARLES L KIRKCONNELL	FIRST ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF THE SISTER ISLANDS
CAPT MARK V KIRKCONNELL	SECOND ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF THE SISTER ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

*Absent after mid-morning break (apologies received) left the Island

ORDERS OF THE DAY

EIGHTH DAY

THURSDAY, 1ST DECEMBER, 1983

1. PRESENTATION OF REPORTS:

FINANCE COMMITTEE REPORT ON THE DRAFT ESTIMATES AND APPROPRIATION (1984) BILL, 1983

BY THE HONOURABLE FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER AND CHAIRMAN OF THE FINANCE COMMITTEE

REPORT AND MINUTES LAID ON THE TABLE

STATEMENT BY THE HONOURABLE FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER AND CHAIRMAN OF THE FINANCE COMMITTEE

THE APPROPRIATION (1984) BILL, 1983 - THIRD READING (TO BE MOVED BY THE MOVER OF THE BILL)

2. PRIVATE MEMBER'S MOTION NO.5 - RE COMMISSIONER OF POLICE:

TO BE MOVED BY MR. J. GARSTON SMITH (FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY)

TO BE SECONDED BY MR. D. DALMAIN EBANKS (SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY)

3. GOVERNMENT BUSINESS: -

(a) BILLS -

(i)	The Customs (Amendment)(No.2) Bill, 1983	FIRST AND SECOND READINGS
(ii)	The Insurance (Amendment) Bill,1983	FIRST AND SECOND READINGS
(iii)	The Trade and Business Licensing (Amendment) Bill, 1983	FIRST AND SECOND READINGS
(iv)	The Elections Bill, 1983	FIRST AND SECOND READINGS

COMMITTEE STAGE

(i) The Customs (Amendment) (No.2) Bill, 1983
(ii) The Insurance (Amendment) Bill, 1983
(iii) The Trade and (Amendment) Bill, 1983
(iv) The Elections Bill, 1983

REPORT STAGE

(a) GOVERNMENT MOTIONS -

Government Motion No.10 - Broadcasting of Parliamentary Debates
To be moved by the Honourable First Official Member

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THURSDAY

1ST DECEMBER, 1983

10:00 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed.
Presentation of Reports. Finance Committee Report on the Draft Estimates and Appropriation (1984) Bill, 1983. The Honourable Third Official Member.

FINANCE COMMITTEE MEETING ON DRAFT ESTIMATES FOR 1984
PRESENTATION OF REPORTS

HON. T. C. JEFFERSON: Mr. President, the Finance Committee met on Monday and Tuesday to consider the 1984 Draft Estimates. Some changes were made, Mr. President, and I would like to outline them in toto.

Immigration Department. The sum was reduced from $805,993 to $688,877.

Another Department's request was also reduced. That Department, Mr. President, is District Administration and it was reduced from $1,702,698 to $1,697,194.

Other Departments - Head 1 through Head 3 were approved as requested. Similarly, Mr. President, Head 5 through Head 9 were also approved as requested. And, Mr. President, Head 10, Finance and Development to Head 30, Audit Department were also approved as requested.

There was an increase in the Res Services, Mr. President, which gave effect to some of the items mentioned during the Budget Debate. The figure increased to $1,107,881 from $1,054,805. Mr. President, permit me to give some details of this increase and what it covers.

Under Personnel and Office Services, a token figure of $10 was added for a training officer, however, Mr. President, the total request by Personnel and Office Services remains the same.

District Administration. A provision was made to allow for a second doctor in Cayman Brac and Little Cayman. Additionally, provision was also made for a youth and community worker who would spearhead the programmes in those Islands for the youth.

A request was also made for three senior customs officers and two customs officers. This was approved, Mr. President. The reason for it is that as the volume grows (the volume of importation) we need additional officers to carry out the customs functions and also to reduce the overtime claims as a result of shortage of staff.

Mr. President, under Head 27 - Communications and Works (Administration), two posts which relate to the Water Authority were deleted. One post of a supervisor and the other of a heavy equipment operator.

Those were the changes, Mr. President, which caused the increase in the sum for Res Services.

The figure for local funds under capital expenditure financed from local funds changed, Mr. President, by an increase of $10 and perhaps for the benefit of the public it would be good to indicate where these increases come about under capital expenditure.

Under Vehicles, Mr. President, the sum was increased by $50,000, therefore the allocation for purchase of government vehicles now stands at $198,800.

HON. T. C. JEFFERSON (CONTINUING): $100,000 was added to Civic Centres/museums which provide funds for museum development in Grand Cayman.

Mr. President, the allocation for Government Offices was reduced from $170,670 to $20,000.

A $30 provision was included for the West Bay Boat ramp.

Mr. President, I believe I have covered all the changes. This resulted, Mr. President, in the total estimated expenditure increasing by roughly $17,000.

Thank you, Mr. President.

MR. PRESIDENT: I order the Reports and the Minutes of Finance Committee laid on the Table and the House will have taken note of the statement by the Honourable Third Official Member.

We can now, my understanding is, proceed to the motion for the Third Reading of the Appropriation Bill.

THIRD READING

THE APPROPRIATION (1984) BILL, 1983

CLERK: The APPROPRIATION (1984) BILL, 1983.

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for a Law to Appropriate Certain Expenditures for the Service of the Financial Year 1984, be given a Third Reading and passed.

MR. PRESIDENT: The motion is that a Bill entitled A Bill for a Law to Appropriate Certain Expenditures for the Service of the Financial Year 1984, be given a Third Reading and passed. The Schedule to the Bill has of course been amended in the various ways that are set out in the Report by Finance Committee to which the attention of the House has already been drawn by the Honourable Third Official Member earlier this morning.

My understanding is that in accordance with the provisions of Standing Order 68, the motion for the Third Reading of this Bill shall be decided without amendment or debate and I will therefore put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

PRIVATE MEMBER'S MOTION NO. 5
(MR. COMMISSIONER OF POLICE)

MR. PRESIDENT: Private Member's Motion No. 5. The First Elected Member for the First Electoral Division of West Bay.

MR. J. CARLTON SMITH: Mr. President, I beg to move Private Member's Motion No. 5 which stands in my name.

MR. D. DALMAIN ARANHA: Mr. President, I beg to second the Motion.

HON. MICHAEL J. McAULEY: I am not quite sure, Mr. President, Sir, whether five days notice has been given in accordance with Standing Order 24(5).

MR. PRESIDENT: I think so. I think the Motion was distributed to Members about a week ago. No, I am satisfied that at least five days and I think over a week's notice has been given.

MR. BENSON O. BRANKS: Mr. President, similarly I would enquire whether you are satisfied that this is a Motion which does not fall under Standing Order 24(2) or section 37(2)(b) of the Constitution.

MR. PRESIDENT: As to Standing Order 24(2) I did, when the Motion was first shown to me, consider the point and I came to the conclusion that it did not make any specific provision for imposing or increasing any charge on the revenues. All it did was to resolve that the House recommend that the Government should agree to something in the event that the Commissioner of Police wished to do something. The Government would still have to come back to the House for specific funds if it so decided in my view and therefore it seemed to me that the Motion did not offend against Standing Order 24(2).

As to section 37.....

MR. BENSON O. BRANKS: 37(2)(b). That is a similar provision, Sir, so if you are satisfied on one you would be satisfied on the second.

MR. PRESIDENT: Yes, quite right. No, I did consider the point and that was the conclusion which I reached.

Does the Mover wish to speak to his Motion now?

MR. E. GRAYSON SMITH: Mr. President, in introducing this resolution I want to say here this morning that I am deeply patriotic. I love this little country of ours. I was born here, I was raised here and I live here with my family. And, Mr. President, I do not intend to stand by to see it trampled on and torn apart by a radical and ignorant minority led by disappointed people.

Mr. President, for our political stability, peace and tranquility to continue, it is our duty to see that our law enforcement officers are protected from vicious allegations and downright false truths. They must feel, Sir, that they are safe in the lawful execution of their duties. They must feel that they have some features, some backing, from our Government.

The special case, Mr. President, referred to in my resolution is damaging to the morale of our law enforcement officers. Hence, the introduction which I pray will be supported by all Members of this honourable House.

Mr. President, in referring to a report made by Superintendent Gibson, I want to quote, "He is without doubt a man of high moral and ethical standards. I am able to unequivocally report that there is not a shred of evidence to show that the Commissioner at any time has engaged in corrupt practices", said Scotland Yard Superintendent Gibson. This, Mr. President, thus ended a vicious attack and unnecessary crisis brought upon this country by a small minority of persons - mainly opposers of this Government for their own mean political reasons...

Someone in the Budget Debate, Mr. President, quoted from "Edwards" and I think it was the Second Elected Member for George Town and also the Honourable Second Elected Member of Executive Council - "To murder [illegible] is truly a crime as to murder the body. The tongue of the slanderer is worse to the dagger of the assassin.". This is quite true, Mr. President.

I recall, Mr. President, several months ago the four Elected Members of Executive Council issued a statement

MR. J. MCKEEVA BODDEN (CONTINUING): warning the people of these Islands that the course which a small minority of people were taking to cause enquiries into, which have now been proved to be unfounded, serious allegations of corruption could seriously jeopardise and partially destroy these Islands.

Mr. President, Sir, sometimes motives are initially promoted or started by some sensible and responsible persons behind the scenes, but Mr. President, as the momentum in the campaign develops these persons lose control of the situation either fully or partially. They climb the mast, but have no sufficient control over the growth. This leaves us, Mr. President, with a very dangerous situation. Then we are left with less able mouthpieces to control. Someone once said, Mr. President, that there is nothing more frightening than ignorance in action. There is also a saying, "Show me the company that you keep and I can probably tell you who you are".

Mr. President, the investigations were very costly. Hundreds of thousands of dollars of the public's money wasted as well as the mental agony and dilemma under which they have put persons such as the Commissioner of Police for the past months. The damage to these Islands internationally in publicity about corruption is irreparable and unassessible.

Mr. President, this attempt to have a Royal Commission of enquiry into corruption of police and Civil Servants is nothing new and was raised in the past when some of the same persons presented a petition to the then Governor, Mr. Russell. He considered it, but quite rightly dismissed it as not being in the interests of the Cayman Islands to cause enquiries to be held and sent copies to the Foreign and Commonwealth Office who did nothing about it.

Mr. President, the whole situation is a political one. It appears to the Government though Executive Council was responsible for the Civil Service and police. Also for calling a Royal Commission and more recently they thought Executive Council Members were public servants for purposes of the seizure and under Administrative Hong Kong corruption law which in certain circumstances makes all Civil Servants guilty of corruption until they prove themselves innocent. How wrong they were, Mr. President, much to their surprise.

Mr. President, what really happened then when the five prominent people supporting the campaign found out that this was a disaster, they secretly tried to wash their hands from it.

Mr. President, I regard the three-pronged exercise of the enquiries into the corruption, the removing of the people for alleged incompetency and the exercise to strengthen our law for corruption which does not exist - all of which enquiries and exercises were effectively carried out by professionals to be a disaster, producing nothing helpful, but causing irreparable and permanent damage to the Cayman Islands and an attempt to undermine a lawfully elected Government by a small minority of frustrated persons.

Mr. President, I also regard the hundreds of thousands of dollars of the public's money spent to be a misuse of public funds and an insult to the public. The serious allegations against the Civil Service and police are an insult to them and have caused an undermining of the Civil Service and Police Force and endless suffering to some innocent people.

Mr. President, I am quite sure that Caymanians have learnt a bitter, expensive lesson. And the blame, Mr. President, is to be put squarely on the the shoulders of a small minority and certain sponsors of this Government.

Now I see the saying is, Mr. President,

MR. F. GARNON SMITH (CONTINUED): If you destroy my reputation, you have destroyed me for I am dead. I hope, Mr. President, that the fifteen members will hang their heads in shame and feel guilty for their shameful act.

Mr. President, I want to challenge every Member of this Honourable House this morning to place themselves in the position which the Commissioner of Police has been placed in and decide for themselves whether or not they would want some measures to take action.

Mr. President, we have had marches, we have had demonstrations carrying placards "off with the Commissioner of Police". We have had all other damaging accusations and, Mr. President, I am saying here very boldly this morning that I think this Honourable House should support the Commissioner if he moves to make a move against some of these people.

Mr. President, I will close my short debate in asking all Members of this Honourable House to support this Motion.

I thank you very much, Mr. President.

MR. PRESIDENT: The Motion is open for debate. Does any Honourable Member wish to speak?

DEBATE
MOTION NO. 5

MR. V. NORMAN HODGES: Mr. President, I would like to preface my brief contribution to the Motion now before this Honourable House by stating quite clearly that I have no difficulty whatsoever in expressing and maintaining the confidence I have in Commissioner Stevens personally and as a man of high calibre and integrity.

I have always stood for law and order in these Islands and here again I have no reluctance whatsoever in saying that I fully support Commissioner Stevens in the carrying out of his duties as our Commissioner of Police. However, there are sections of this Motion which I cannot support and which I have to consider as unlawful and unprecedented.

I just cannot agree that Government should place unlimited funds at my fingertips, for that matter, at the disposal of any public officer in order to pursue the merits of any law suit filed against any individual or individuals in this country. And I call unlimited funds because there is no specific amount mentioned in the Motion.

I firmly believe, Mr. President, that this would be setting a peculiar and dangerous precedent which could develop into a most costly exercise, the extent of which we cannot measure here today. What would in fact prevent any Civil Servant from seeking the same or similar treatment should a similar situation arise? Furthermore and of far more importance, this, I believe would produce far-reaching effects and recommendations that would only tend to further divide the small community of which we are all an integral part.

Finally, Mr. President, I cannot understand the logic nor the rationale behind those who claim that recent investigations have caused so much unrest, so much bad publicity and expense and are dissatisfied with the results, but yet they are striving to take this situation further and keep it going. Mr. President, this, in my opinion, can only be to our detriment. It can only have an adverse effect on the peace and tranquility of these Islands of which we all boast. Therefore, Mr. President, I am unable to support this Motion in its present form.

Thank you.

MISS ANNIE BULLEN (DOUGLAS): Mr. President,

I have been associated with this Government for many years and I will say, Sir, without fear of contradiction that the situation as has recently existed is not anything new.

Every known living who to my knowledge has been connected with this Government has been ridiculed and has had to take it. And while I agree that as far as I am concerned the present holder of the post of Commissioner of Police is an honourable gentleman and I have never been able to trace anything as being corrupt in his behaviour. Nevertheless, I feel sure that we as Legislatures cannot now set a new precedent in allowing funds to be allocated from public revenue to support if and when this thing goes on and he finds people who have accused him innocently and wishes to take them before the Law Court.

Mr. President, many years ago I moved to bring a motion to this House to have a Royal Commission of Enquiry. That was not against Cecil Germain or the Commissioner of Police, or the legislature or anybody, but to try and eradicate the drug traffic which at that time was practically seeping in and biting hold of our Island.

I presented the motion; it went to your predecessor, Sir, and he sent two Members from the Executive Council and asked me to withdraw it and he would investigate. Well, as far as I am concerned I never heard anything about the investigation.

Mr. President, I see what I would call one of the leaders in the first march that I know. Here are some pictures which have the placard - "Come with us/see Town". "We are not in the Coup". It was headed by hundreds of people marching to the Government House and laying their complaints before the then Administration. We were summoned a special meeting. Men also were brought in here. There was general discontent, but nobody ever authorized any suit to be taken against anybody and I cannot be a member to this.

I feel, Mr. President, that we should be setting a precedent if we allocate funds which would widely publicize this Island too having to defend the police. Are we going on now as Cabinet? Are we going to allow a few, as they say, disgruntled people (I do not know how few they are) to do this? Anyhow I know one thing that only twelve Members can get into this Legislative Assembly and I am sure the public will decide whom they want.

People have come to my own house and said, "Now, look here Miss Annie Bullen, we had a lot of confidence in you, but you are no good because you have been covering up for certain people who have done wrong. You will never get our vote because we have lost confidence in you and your two colleagues in George Town.". I said, "If I decide to run, I am sure I will get our vote and that will be mine". But they say that the twelve legislators are not doing their duty because they are covering certain things that should be exposed to the public. They are very disgruntled that they have not had proper reports on these investigations and they, as the public, feel that they should know exactly the results of them. I again repeat I have every confidence in the present holder of the post of Commissioner of Police, but I would like to add that we have had in the past (not with that title, but as Head of the Police Department) Commissioners, honourable and upright gentlemen and do not you think they had a pleasant time. They were accused of all kinds of things, but they had to take it and we carried on. I feel that we, as good responsible people should continue to keep our Islands stable.

If we start with all these low rates, I do not know where it would end and did consequently while I support law and order in this country, I cannot support this resolution.

Thank you, Sir.

CAPT. HARRY S. KIRKCONNELL: Mr. President, the Motion before this House today has given me great concern from the time I first received it. I fully support our Commissioner of Police. I accept him as being a very reputable, honest and upright gentleman. I appreciate and admire the development which the Police Department has exhibited during his administration and I would have had no problem, Mr. President, in supporting this Motion had it not contained in the last paragraph of the resolution.

I do not feel as a Member of this Honourable House that I can truly represent my people in allocating sums of money of an unknown quantity when I was unable in the recently held Finance Committee to secure the necessary funds to continue employment within my district. Therefore, Mr. President, I again would like to affirm my support for Commissioner Nimmo, but I cannot support this Honourable House giving unlimited sums to never ascertainment which could amount to large sums.

Thank you, Mr. President.

MR. PRESIDENT: If no other honourable Member wishes to speak I shall have to call upon the proposer to exercise his right of reply if he wishes.

HON. C. ELIE DOLDEN: Mr. President, the Motion before the House seeks two things. One is to affirm our confidence in the integrity of the Commissioner of Police and the second part of the Motion says that we must put our money where our mouths are. And if we believe that he is a man of integrity, whose image has been tarnished, we must take the necessary steps to provide him with whatever legal aid he may need to bring the culprits to justice.

The first paragraph of the Motion reads, "Whereas earlier this year widespread allegations were made against the conduct and the character of the Commissioner of Police.". These allegations were widespread. These allegations were nimious. These allegations were abundant. These allegations were meant to destroy the character of an honest man. These allegations were meant to demoralize the entire police force. These allegations were meant to show that all public servants in this country were corrupt. These allegations were intended finally, if the same could be proven, that all public servants were corrupt, that all Elected Members would automatically be corrupt and therefore the present Members of the House would be turned out at next year's election and particular emphasis was made on the two Belize Town seats.

These allegations were started by a group of people who were disappointed because they could not gain seats in the Legislative Assembly and seemed to blame their defeat on the existing Members of the House and on the Chief of Police. These allegations were the direct results of frustration amongst people who had suddenly discovered that they had misread our people. People who had been rejected at the polls one of them for the last fifteen years had been defeated at every election in Belize Town. And this when campaign started were two people - two who were defeated at the last election and who organized and conducted the public meetings which produced the allegations against the Commissioner and the third person who attended in the newspaper office most morning all the allegations which her two buddies had put forward the night before. And this was, I believe, an organized attempt to destabilize the economy of the Country Islands in the hope that the public would accept the organizers of this campaign in the Belize West next year. Do not believe that these allegations were made against only the Commissioner of Police.

I happened to have followed the campaign which included petitions, meetings, marches, rumour mongers and hidden

HON. G. HAIG BODDEN (CONTINUING): as it was not only the Commissioner of Police who was on trial. Allegations were aimed at every public servant and particularly every police officer. Allegations were made against Elected Members especially the Members of Executive Council and particularly the two Members from Bodden Town.

The one Member mentioned earlier, that is not the first time that there has been a cry for a Royal Commission of Enquiry to investigate alleged matters of corruption. That is not the first time that we have heard this cry. I have heard it from the pages of the newspaper and whatever periodicals there may be. I have heard it at public meetings and at private discussions. I have heard it continuously ever since I have been in this House eleven years ago.

I have heard these allegations against the conduct of public servants and against the conduct of Elected Members starting from 1959 when I was elected and the other Member from Bodden Town had been elected. A petition was brought to this Grand Court crying that everybody was corrupt. All the honest public servants who had taken part in the election process were corrupt; they were guilty of illegal practices. This is nothing new. That petition reached the Court and the Court dismissed it. I hear it is still on appeal, but nothing has ever been the Election Law says that hearing in the Court was final.

We have heard a call for enquiries into different matters over the last decade and every one of them, every single one has been headed by two or three people - the two or three people who are now involved in this latest outrage producing allegations against the Commissioner of Police and the Government of the Cayman Islands.

Does one doubt that this campaign was organised? Every device and every evil artifice known to man has been used in this campaign. They used a march in which they had hired manners to help make up the numbers. They had public meetings in which they spouted out profundities against everybody, in which they intermixed in the ordinary process of law, in which they attempted to use the hands of the Commissioner in the execution of his many duties and all in the hope that they can put the Bodden Town people. What the Commissioner of Police has to do with these the people I do not know. But at every public meeting, every speaker spent fifteen minutes talking against the Commissioner of Police and the rest of the time the allegations were against the Elected Members of Government and other public servants in the Cayman Islands.

It was my contention that there had been, as the first paragraph of this resolution says, "widespread allegations against the conduct and character of the Commissioner of Police.". The second paragraph of the resolution reads, "And whereas on a number of these and other allegations the Constitution, the Governor caused high ranking investigations to be made.". His Excellency the Governor in accordance with Members of the Legislative Assembly agreed to institute investigation. There is no secret that I personally did not agree with the investigations. I have been criticised by that some little group because I did not agree with the investigations. While I did not agree I must say that I believe all of the Members of the House and you, Sir, did what was right in their mind and did what they believed would put some oil upon the troubled waters which had been churned up by this group of agitators. And while, Sir, I was not a consenting party to the investigations, I believe that the rest of the Members and you, Sir, as a group did what was the logical thing to do.

My objections were for one reason only because I knew the agitators. I knew the source from which the allegations had come and that is why I did not agree. Because I knew that if they came from that group there would be no substance to them and I did not agree.

HON. G. HAIG BODDEN (CONTINUED): I told my people in Bodden Town I had not agitated and if this makes any difference at the next election let it do so, but I would not agree to investigations into the public service of this Island because I do not believe that the Civil Service is corrupt.

I know that in every organization there is bound to be good and bad, but to say that there is general corruption in the public service, I do not believe it. I believe that the majority of our Civil Servants are honest, hard working, dedicated people. Some of them have been in the service for many years, some of them have worked most of their lives for very little money because there was nothing in the Treasury to pay them.

I remember when I was elected eleven years ago most of our Civil Servants were paid less, far less than the private sector and they were honest in those days when they were not paid very much. I could not ascribe to the idea that our public servants had been corrupt.

I did not believe that overall the Police Force had been corrupt. This is not to say that every individual would qualify for a session at St. Peter's pole, but I believe that overall our police officers including the local police officers as a group are not corrupt and this is why I could not agree to the investigations.

I said on the outside that it was my opinion that nought would come of the investigation. Subsequent events have proven that I had been correct. In fact one organization is now trying to buy the imperial hall in which I placed when I made these remarks prior to the completion of the investigation. My crystal ball is not for sale, while I may be a man of uncommon perspicacity, this particular case was very clear not only to me, but to many others who like me knew the reasons behind the seeking of this investigation. If there had been a genuine case of police corruption, of Civil Servants taking bribes and doing other dishonest acts, I would have headed the cry for an investigation, but I do not think it is right to tarnish the image of our public service simply to serve the expediency of political profit.

The third paragraph of the Motion goes on to read, "And whereas the results of such investigations and enquiries have completely exonerated the Commissioner of Police.". There has never been in my mind the remote possibility of any other results from these investigations. This gentleman had served in this Island several years before he was known to the public. There has never been a criticism of his conduct. He left here and I understand was put in command of a very large force, numbering in the thousands, and given some very delicate assignments which he carried out. When he returned to Cayman for his second term with their Government he met with the Elected Members and told us the problems which he met in the Police Force and got the concurrence of Members to go ahead in expanding a Police Force and building the Force into a good one.

He started on a campaign to recruit local officers. The campaign was successful and many intelligent young men were brought into the Force. He started on a campaign against the ganja smugglers, runners and users and his campaign has been fruitful. And I should go on and on and on, but the one thing which this man did was to gain the confidence of his Police Force. In fact he had done such a good job that when Her Majesty the Queen visited in February, she bestowed upon the Police Force a new title - "The Royal Cayman Islands Police Force", a signal honour for the man who had built that Force. How is it that two months later everybody in the Police Force can be corrupt?

That has happened is not that there had been any deterioration in the Police Force, but the opposition had reached a stage where the Police Force was too good for them and they

HON. D. ALLEN MORSON (CONTINUING): know that if it continued and if nothing was said about the historic visit of the Queen and of the Duke Edinburgh in November that some great harm, I think would have a hard time if they did not stir up a little trouble. But I see all of this in my crystal ball.

Before dealing with the remaining section which will probably take some time, I want to deal with a few other matters directly related to the Motion which is before the House. It is not the Commissioner of Police on trial. It is not the officers of the Police Force on trial. It is not even the public servants on trial. What is here on trial is the entire welfare of the people of the Cayman Islands - those righteous thousand people out there and their progenitors who have built this country are on trial. And whether we will allow them out there to be destroyed by vicious unfounded rumours from frustrated minorities or whether we will stand by the accused and the maligned and whether we will have the courage of our convictions to put forth the money, if it is necessary, to put an end to this cancer which has been growing steadily.

The investigations were carried out. The people who prompted these allegations had in the most sought similar investigations. I mentioned the one they started in the 1972 election. I remember one recent one when the petition came in to ask Her Majesty to change the constitution to give Cayman Brac membership in the Executive Council. I remember the many petitions which came against Cayman Airways when we had bought the first BAC 1-11. There were calls for resignation from the Members of Executive Council. There were calls for the liquidation of Cayman Airways. There were stories in the press about this country running in red ink, but I am happy to say that eleven years later no such thing has happened. And all of these letter about all of these petitions came from the pen of one person. Sometimes they appeared under pseudonyms, but they were from the hand of one group.

My great concern about the investigations was not the recommendations that would come from them or the fact that any public servants might have even found guilty. I was worried about how our image would be tarnished on the international scene by the publicity which would come. That image has been greatly tarnished. This country has received very bad publicity in the foreign press and as the papers of this morning have it a sense something for them to jubilate about because they have gotten at least a part of what they want.

They have shown to an unsuspecting public abroad that our public service is corrupt because the foreign press has carried stories which would give any investor second thoughts. Fortunately for us the stories were unfounded, but the damage is still done because we know the allegations were unfounded. But I wonder how many of those people in the United Kingdom who read those articles have met the stories were not true. And herein lies the danger - a danger which the Motion introducing the Motion mentioned. that sometimes these campaigns are started by intelligent, well-meaning people and they get out of hand. There is no control and the damage spreads unknowingly and hurts our image.

This is what the opposition wanted. They wanted our image to be hurt. They want our economy to be destroyed. They do not want a Cayman Airways. They do not want a Police Force which follows a procedure for investigation of cases, but these people have their pockets too. And if I am allowed, Sir, to quote from George Bernard Shaw - he said, "The Lord's punishment is not in the least that he is not believed, but that he cannot believe anymore.". And these people have gotten themselves into a mire into which they cannot believe anything is good. They cannot believe anybody is honest and so they have a very serious punishment meted out to them because they cannot bring themselves to admit that the public service is honest or that the Police even Members are honest,

HON. G. HAIG BOSSEN (CONTINUING): or that the Chief of Police is honest. So they have their punishment. Not only are they not believed, but they cannot believe anyone else.

It was disgraceful to see the way that individual Commissioners were destroyed because while the allegations were not true, there are still a few people who believe that certain Civil Servants are dishonest. And this is all because a man's good name is his most priceless possession. One writer said, "Who steals my purse steals trash. 'Tis nothing, 'twas mine; 'tis his and has been slave to thousands. But he that filches from me my good name robs me of that which not enriches him, but makes me poor indeed.".

No the damage has been done and nothing that we can do here today will ever repair that damage to these innocent people who have been injured. But I believe that we have a responsibility as Elected Members to make sure that it does not happen again and that it does not happen to other innocent people. We have been elected as the leaders of this country and we have a responsibility to these people over there to see that innocent people are never again put through the cruelest test, the crucible of fire which the Commissioner of Police and his family must have gone through. And while nothing we can do today can ever relieve the agony and the suffering of these people, we have out there over 1,000 public servants who need some protection from the hands of villains who would not hesitate to destroy them if it furthered their ambitious political aims.

One Member said that to carry out the remedial section of this Motion, providing funds to pay the legal fees if the Commissioner should have to take action against his attackers, would be unprecedented. I do not agree with that.

MR. PRESIDENT: I wonder ..... I had been hoping perhaps the Honourable Member might be finishing his speech before the usual mid-morning suspension, but I suspect that perhaps my hope is in vain. I expect I am wrong. In which case would it be convenient now .....

HON. G. HAIG BOSSEN: Mr. President, I hope they will not in another direction as you again, but I would say that you are correct in your assumptions. I will not finish shortly.

MR. PRESIDENT: For a little while. Perhaps in that case since it is at least, if not past the usual hour I may suggest that we suspend proceedings for about fifteen minutes.

AT 11:30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:05 P.M.

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

HON. G. HAIG BOSSEN (CONTINUING): Mr. President, I have been dealing with the matter of this House creating a precedent if we pass this Motion; the precedent being that we had never afforded this service to anyone in the past. There is precedent. It is my understanding that in England if a person commits a criminal libel, the law would take it up. Also there is a police authority which would come to the rescue of the person who had been defamed in this manner in the execution of his duties. Here we do not have such a body.

Also there have been many instances in the past where police officers have been brought to court and charged

HON. G. RAIC BODDEN (CONTINUING): with the false arrest of a person or the false imprisonment of a person and the Crown has provided lawyers to defend the police officers against these charges. So I think there is adequate precedent, both here and in England, for me to oppose the motion before the House.

The same Member who complained about our acting a precipitant, also called the Motion untimely. I believe the Motion has been pretty well timed because it came not only at the end of the allegations and not only at a time when the allegations have been set aside and when the Commissioner has been exonerated (his name has been cleared); by experience with the opposition to date they know they are beaten they were right into something else and I would not doubt that might now they are planning their next move. So the Motion is timely and in my opinion could not have come before the House at a more appropriate time than the present moment.

The same Members had given what they might encourage and although he did not put it in these exact words, my understanding was that this Motion, if passed, would then encourage all public servants to sue and we might find ourselves in a situation where we were paying out a lot of money for legal fees. However, the Motion is specific in that this particular one would deal only with the Commissioner of Police and would provide money only if he wished to institute proceedings for defamation which had arisen out of allegations made against him as a result of the carrying out of his official duties. So this would not be a precedent for any Civil Servant or even for the Commissioner himself to bring a suit against any person for defamation. It is only where the defamation has come about as a direct result of his carrying out his official duties.

I think the police officers should have protection in carrying out their duties and where these duties have been carried out faithfully, if some person maliciously and deliberately defames the officer the Government should provide legal aid for the officer.

One Member was concerned with the expense of providing the Commissioner with legal aid. However, I heard no objection initially to the expense of carrying out the investigations into these allegations. Members must have known that they would be very costly if they were bringing the soldiers of people which we brought in and if we were bringing them from a long distance overseas, providing the type of accommodations we provided for them and if they were going to stay for many months as they did. Yet Members who are now concerned about the expense of providing legal fees for a person who has been injured in his execution of his duty, were not concerned with the cost of investigating allegations which at least I knew were unfounded and most of the public believed to be unfounded as was evidenced by the few people who participated in the march which delivered the petition for the removal of the Commissioner.

The Member also was concerned and I think there was some justification in this as to creating a situation where we might make this matter go further. However, the motion today would not encourage would-be aggressors to attack public servants, but would be a deterrent to those people who would defame a public servant because he acted in the manner prescribed by law or according to the dictates of his conscience. So if we pass this Motion today we will not encourage people to defame innocent public officers, but we would be putting in a deterrent knowing that the person, a public servant, regardless of his financial circumstances would be able to pay the legal fees.

I think that public servants and Elected Members of the Assembly should be criticised when they take actions which do not meet with public approval if they institute policies or they pass laws which are unreasonable or unjust. They should be criticised,

HON. J. RAE BROWN (CONTINUING): ...but criticising a Member of the Assembly, a Member of Government or a member of the public service for which he has taken is a long way off from an organised campaign to wilfully and maliciously destroy a person's character. And the campaign which gave rise to these investigations was certainly a campaign which attacked not only the personal character of some of the Members of this Assembly and the public service, but also their innocent wives and children and other relatives of the Members and the public servants.

So this was a serious attempt to undo the good Government which now exists and I believe that we would be failing in our responsibility to the electorate if we do not afford the Commissioner and any other public officer security from malicious gossip-mongers.

To conclude I will deal with the two specific sections of the Motion. The first one simply states that the House "affirms its fullest confidence in the integrity and probity of the Commissioner of Police and will afford him all possible support in carrying out his duties of enforcing law and order in these Islands.", I do not think there will be any dissention from this section because the Commissioner has carried out all his responsibilities with integrity and I believe that we should afford him support in further enforcing the laws.

The second part is, "And be it further resolved that this House strongly recommends that, should the Commissioner of Police wish to institute proceedings for defamation against any persons who have made or published such false allegations, inasmuch as these allegations were made as a result of the carrying out of his official duties, the Government agree to indemnify fully the Commissioner of Police in any costs and outlays he may incur in bringing such action.".

We must remember that the Chief of Police or any police officer investigating a case is not free to let the public know, prior to the trial, all the circumstances surrounding the case, particularly in the initial stages when the very apprehension of the criminal depends upon the police keeping certain important matters secret. The allegations which started against the Commissioner of Police were allegations which should not have been made about any specific case during the investigation. They may have come to light at the case had gone through the courts and through appeal courts as well.

The people who started these rumours and these allegations against the Commissioner were blameless guilty of very serious offences. I blame the Commissioner for only one thing that is did not arrest these people forthwith and charge them with whatever crime they had committed, whether it was contempt of court or obstruction of a police officer while investigating a crime. Inevitably these people were wrong and should have paid the price for their wrong doing. However, they seem to have gotten away with it.

Now that the case against the Commissioner has come to a conclusion which I am pleased to say I am happy with, I would just say that I feel the House has a responsibility that we never have an occurrence like this.

MR. PRESIDENT: It is a little bit earlier than we normally break for lunch. Does any other Honourable Member wish to speak?

HON. JAMES M. BODDEN: Mr. President, I wondered if to speed the debate if we could not keep the lunch until about one o'clock and go on until one o'clock. Maybe we might be able to dispense with that to get to other matters.

MR. PRESIDENT: I am in the hands of Members. I certainly

HON. FERGUSON (CONTINUING): ... would support the idea of taking a slightly shorter lunch hour. Let us see if whether any Honourable Member ...

HON. JAMES M. SOUDER: I would move that motion, Sir.

MR. PRESIDENT: Will you see if any Member wishes to speak.

MR. CHADDOCK EBANKS: Mr. President, I think during my time as an Elected Member to this House there is only one thing which I have lost out on and that was in the days when the Elected Members from North Side had to travel to town by boat. We did not have a motor-way or some type of road that we could travel on when I was elected. So I have seen what were the good days and what might have been the bad days.

My commitment of promise to my people and all the people on the whole was to do what I thought best for the country and the people. I got myself involved in these demonstrations against Government and if I am here long enough and there was a need for a fourth, I would stand by my commitment.

We had the land adjudication month and the public was justified for their request. I took my stand against pre-fabricated buildings being brought into the Islands and one Member of Government in the higher bracket had one in their shipment for his own purpose. I demonstrated against the continuation of the Cuban airlines into this country.

I have been in this House if I am to see myself for thirty years and I have not satisfied all the public and I do not hope to. I heard a business man only once, "Trust every man for the first time.". When the public seemingly created fuss from something new, but something which had been in existence ever since there was a Government/ corruption, the public felt that there should be a proper investigation carried out. I for one did not feel, Mr. President, that it had reached the extent which some section of the public claimed it had reached. Nevertheless, it was a request by the people and I was one, Sir, who voted to go along with it.

Whether we got the correct answer or not, whether the people appointed to do the investigations were the right people or not, then far we have reached a negative. And I will say here, Sir, I do not know how much longer I will be a Member of this House, but I am not going to commit this country and its tax payers again to spend an amount accordion I do not know what, (we have not had any amount on it yet), for such investigations to be carried out because of the whims and fancies of our creation or whatever happenings.

I think I said, Mr. President, in my reply to the Budget Address that when an employee of Government takes half an hour or an hour each day of the public's time, then you can analyse that because it was not that much, but thirty minutes and you do not count that. We are all guilty, I know.

Mr. President, this Motion which was brought before the House and when a report was made to this House (in the Chamber) Members accepted. All Members endorsed the report. We wholeheartedly gave our support to restore to the Commissioner of Police his integrity and to give our support for him to continue to carry on his duties without fear or favour in this country.

Now, Mr. President, I cannot honestly see any just reason for this Motion to come before this House. To be asking the same which Members had agreed to. Like human beings, Sir, we are not without making mistakes, but if the mistake had been corrected then you may just as well tell me, Mr. President, that if I want to have

MR. CHADDOCK SPARKS (CONTINUED): an operation for a kidney transplant and nine months after that my physician says he wants to rush the operation to see whether the kidney which he transplanted was still there. I do not think I would have agreed with him and I do not think anybody, my family or friends would either because if I am up and about and working I think he should have enough knowledge to know that the kidney must still be there.

As I said, Mr. President, all human beings are subject to misunderstand and the Commissioner of Police made the mistake when he put the statement on the air and that should have been corrected then by Government. And this is where the move push for the Commissioner into corruption built up. Anxiety is a dangerous thing and there are not many people in the world who can control that.

I remember once watching a master of a ship steaming coal, calm and collected while his ship went down on the rocks and after she rested on the rocks he told his officers to do this and that. He did not lose control of himself and I think that is the problem with most human beings in life, they cannot control themselves if someone says something mean about them or something hurt against them. I have had a lot of that since I have been in here for thirty years, but they must enjoy giving me the licks because I am still here.

Mr. President, it might be unwise for me to agree with the last section of the Motion of the Financial Secretary can agree that he would re-open his Budget (the Estimates) and place into those Estimates a token amount to enable me to get for my people what I went in the District of North Side for most years.

I am not here, Mr. President, to work for an individual. If I got involved and I was taken before the court, I say this, Sir, without fear, favour or contradiction that no member of Government would be prevented to give a warrant for me to carry on a case to defend myself. And I do not feel, Mr. President, that the taxpayers' money should be taken with a view of this should arise there. We would probably have half a dozen lawyers who would be half millionaires by the time the case is finished.

I do not stand for a party system, Mr. President, and I hope it never comes. I came to this House to support what I feel is right and here for the people, not myself because I am closer to the taxpayer than I am to the white elephy by being in here. But I committed myself. Nobody died and dropped me in here and said that I have to stand here. I stand for the people and the country so that I might be able to do a little bit to help make this country a place worthwhile living in and for the people to get the fairness of their hearts for the good things not the bad.

We stand for freedom and that has been a subject which we have thrown on the press - trying to take away the press freedom. The freedom of each individual in this country is theirs might and I, Sir, feel that this freedom should continue, but when it reaches the breaking line there ought to be some halt to it. And a lot of what I have seen going on and a lot of what I have been hearing about, I cannot see why Government has not brought some halt to some of this. And for the sake of those whom you cannot control, another avenue must be opened.

I feel, Mr. President, this Motion will only be opening up the grave to see what the dead looks like. I feel it is only opening a barrel of worms. The worms will heal in due time. More or less every member in this Sitting has lost some relative, maybe some not to the extent of others. I lost both my parents and I know the feeling and the ache, but after a period of years they heal to a certain extent. But when things of such magnitude which we have before us are opened, when we are not asking for a hearing stage to come about. Why get the Fire Department in to quiet the fire and then there oil in it

MR. GRADDOCK BAINES (UNOFFICIAL): again to recall it and start all over?

I feel, Mr. President, that it is unfair to the people of this country, to the Government of this country and to the integrity of this Government, this House, that this matter have been brought back here because Members gave their assurance that they would support and back the Commissioner of Police in the fulfilment of carrying out his duties in this country. And I do not feel that Members should be committed or allowed, or that they should feel within themselves that they would want to commit this country to an open land if the Commissioner feels like carrying law suits to the Grand Court or Appeal Courts. His integrity has not been destroyed. If he does not feel that he should continue to serve this Government, this country, then he can tender his resignation and nothing stands against him in black or red so that he cannot go to other countries and get a job in his field.

So, Mr. President, with these few remarks I feel, Sir, (and I am doing it from the dictates of my conscience that it is for the people I do feel) to be able to support this Motion.

I thank you.

CAPT. CHANDLER G. JACKCONNELL: Mr. President, I more or less agree with the previous speaker, the Elected Member for North Side, that this Motion should not be before this House. We have already given the Commissioner all the assurance that one could expect from this House. I think it is untimely, I think it is reprehensible and a grave miscalculation, Sir, on the part of those who have brought or are responsible for bringing this Motion back to this Honourable House.

I think it is untimely because it will reopen and stir up a very sensitive matter that caused nothing but unrest, dissatisfaction, hatred and division among a most peaceful people residing in our Islands.

In Proverbs 15, verse 18, Sir, in the good Book, which has the answer to all our problems if we would only look at it. In Proverbs 15, verse 18 it says, "A wrathful man stirreth up strife: but he that is slow to anger appeaseth strife.". And again in Proverbs 15, verse 1 it says, "A soft answer turneth away wrath: but grievous words stir up anger.".

I was very happy to know, Mr. President, that this matter was losing its impact and prominence in our Islands and that we were gradually returning to our normal peaceful way of living, but also, Sir, the clock has been turned back today.

I am not in agreement with the third paragraph of the Motion because neither have the Members been given all of the records in their entirety nor has the public been given these reports. I have seen the first fifteen pages which was published in full and all the people of our Islands were able to read it and see for themselves.

I have also seen and have a copy of the Commissioner's preliminary report, but, Mr. President, the final report which is supposed to have given recommendations for improvement in the Police Force has not been received to my knowledge by you, Sir, and if it has I have not had the privilege of having it nor been apprised of its contents.

Sir Geoffrey Bridge' report - the purpose of that was to upgrade or strengthen our laws wherever necessary to deal with any corruption. The majority, Sir, not all of us, but a majority of the Members of this Honourable House decided not to even publish the recommendations, but rather to tell the people that it would do the country no good to publish it and that in general the report would serve no useful

HON. CHARLES L. KIRKCONNELL (CONTINUING): purpose. This, Mr. Speaker, was the view of some Members and which I disagree with wholeheartedly.

Our people were told that all reports would be published. The people's money has paid for these investigations. The people have a right to our House reports and I am insisting, Sir, that the people see the reports.

I am in this House, Sir, not to represent myself. I have been put here by my people and I assure you my people are completely dissatisfied that the reports have not been published. We are here as servants of the people, not as masters, or some of them believe they are, of the people. We are their servants.

I would like to say, Sir, that I have seen nothing of the second Commissioner's report. I have only heard a statement read over Radio Cayman and a mutilated press release carried by all the local newspapers. I am not satisfied with this, Sir, and I hope, Mr. Speaker, that you as our Governor will see that we, the Legislature, and the public have full access to these reports. I expect and will accept nothing less to be done, Sir.

I would like to state now, Sir, that I have seen nothing in the reports so far to suggest that our Commissioner is corrupt. Not anything I have seen points to his honesty and incorruptibility, however, Mr. President, we have to ask ourselves, "Is honesty and incorruptibility the only qualification one must have to lead a Police Force?". We have to ask ourselves that question.

I totally disagree and reject the last paragraph of the Motion because it is setting a precedent whereof in our Islands. It makes no difference, Sir, what they have in the United Kingdom when we have the Defamatory Law and we said the United Kingdom gave the privilege to the press to report anything at public meetings we were told, "Oh, but this is the Cayman Islands, we do not have to follow the United Kingdom.". Today one of the Members of Executive Council has said, "We are not setting a precedent because the United Kingdom has it in their law.". If it is not good one time, how can it apply to the other? Can we make blood of one and water of the other? Today, if we pass this resolution as it is there are 1,500 Civil Servants who must be given the same rights on the Commissioner's of Police - that is they must be, as the resolution says, "fully indemnified".

Mr. President, the Civil Servants and the Commissioner of Police now have the full legal Department at their disposal if they wish to use it. I cannot agree to indemnify fully the Commissioner of Police in any cost or outlays he may incur in bringing such person. Mr. President, but one thing I have always heard Members take one pronouncing this Motion against is an open-ended contract. Today this is wide, wide open, Sir. There is no ceiling on it. There is no limit to the amount of money that can be spent. How can I justify to my constituents that I have agreed to a limitless resolution in this House. I seriously doubt, Sir, whether any Elected Member can go to his constituents and tell them they have backed an unlimited and unknown amount of money for the Commissioner of Police to take action if he so desires. I do not think there is anyone here and if you doubt me, Sir, wait until November, vote and you will find out.

In the event that the Commissioner institutes proceedings and he loses, this Government under this open-ended fourth resolve clause of this Motion is out at an unknown expense, an unknown quantity. How is an responsible Legislature even make a Motion in this Honourable House? I could not be that irresponsible, Sir.

I can in no way support this Motion and

CAPT. CHARLES A. FINCHETTE (CONTINUING): I wonder, Sir, if this Motion has the concurrence of the Commissioner of Police? He said, Sir, words to this effect, "Now is the time to put this unpleasantness behind us and press on with our development", etcetera. I asked the question, Sir, whether he had second thoughts about this matter and if so I strongly suggest to him that he stop playing politics and play the policeman that he is employed to be in this country.

I seriously doubt also, Sir, that any slanderous or libelous statement such remarks are would be accepted by any court man. I have been made to understand that any such action against a person on the grave for slander or libel should be made as early as possible after it has been said or printed, otherwise it would be considered stale and normally rejected by the court.

Another question I would like to ask is what then is the use of this Motion? Mr. President, it is nothing but a political Motion. It is political expediency this House has been reduced to and I deplore it. This Motion can only succeed.....

HON. JAMES M. DOLDEN: Mr. President, on a point of order, Sir, we are getting allegations that this is a political Motion. The Member, himself, in this present Sitting posed a Motion which could have been termed a most political thing that has ever come to be debated on the floor of this House.

MR. PRESIDENT: I cannot think that it is out of order to have political wisdom.

HON. JAMES M. DOLDEN: No, I am only making the point that I think the allegation is innocent, particularly when it applies to the Member speaking.

MR. PRESIDENT: I do not think that is a point of order, I think that is something you can answer in a speech later.

HON. JAMES M. DOLDEN: Well, a good point, Sir.

HON. D. HALL HORNE: Mr. President, Standing Order XXIV (1) is a point of order - "No Member shall impute improper motives to another Member.".

MR. PRESIDENT: Are political motives necessarily improper, I do not think so.

MR. CHADDOCK EVANS: Mr. President, if that be the case I think we should adjourn the House and quit.

MR. PRESIDENT: I do not think I am out of order, I really do not.

Perhaps I could just ask, do you expect to continue for some substantial time or were you nearing the end of your speech.

CAPT. CHARLES A. FINCHETTE: No, I am very near to the end, Sir. The only thing, Mr. President, this Motion will succeed in doing is opening up this whole issue wide. It will set up and divide our people and cause a lot of hatred and strife in our society. There is an old saying which goes as follows - you can fool some of the people all the time and all of the people some of the time, but you cannot fool all of the people all of the time.

Mr. President, I pray that I may be sensitive to the way my choices affect other people. I hope that I am

CAPT. CHARLES L. KIRKHAM: (CONTINUING) ... will be removed from this community and any attempt to create a police state in these Islands be wiped in the bud. We need to put the issue behind us and make every effort to work in harmony and love for the betterment of our Islands and its people.

I thank you, Sir.

MR. PRESIDENT: I think we could now suspend proceedings. Would Members wish to meet again at 2:00 o'clock or 2:15.

HON. JAMES M. HOUGH: Two fifteen, Sir.

MR. PRESIDENT: Two fifteen? I will then suspend proceedings until 2:15.

AT 1:00 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Debate on Private Member's Motion No. 6.

Does any other Honourable Member wish to speak?

HON. JAMES M. HOUGH: Mr. President, I was going to try to wait until the Member from West Bay had spoken, but I have decided to let the Honourable Second Elected of Bermuda Council wait him out.

To me Debating a Private Member's Motion which the House can possibly decide upon at this time, has the support of the Government bench.

Mr. President, it is a motion that I thought, personally, would have elicited but very little debate and I am hopeful that because of that the House would have been able to adjourn today after attending to all of its business.

Mr. President, we follow the United States of America in many ways as has been evidenced by the papers of this House for this Session. The United States of America has had many noble statesmen over the period of the existence and one of those was a country-boy fellow like myself, one of the Presidents of the United States of America, Abraham Lincoln. And in one of his discussions he said that a hypocrite is a man who murdered both his parents then pleaded for mercy on the grounds that he was an orphan.

Now these seem to be simple words, but if we put them into the context of the debates in this House, on many occasions they really apply and I mean that in the debate we will have to look closely at what has caused a Motion such as this to be placed before the House. It is not as simple as it really appears to a lot of people. I believe fully that we can walk the middle of the road in this life. You are either on one side or you are on the other and that in this life we really are brothers' keepers. I would like to look at life as a vast expanse of ocean and uncharted seas; and this is really what happens in the average man's life. If you like it in that way, Mr. President, there can really be no abstentions and there can be no neutrality. We either walk on one side of the road or we walk the other.

Neutrality can be a mean thing in life

HON. JAMES H. SCHEUER (CONTINUING): and it is something that is not readily enjoyed because with friendship you have to have a certain commitment.

Mr. President, with the things that have happened in the Island in the last month, I have openly said that I have considered the Commissioner of Police a friend. I think I proved my friendship in the good times and the bad and that is what I think friendship is all about. I would have been a hypocrite if I would have condemned a man without knowing the reasons why I was condemning him and to criticize him, and to not stand as a friend in the time of need. I had no doubt that the Commissioner of Police would have been exonerated from all of the libellous attacks which were levelled at him and as Edmund Burke said, Mr. President, "words without wisdom are the assassins of idealism." I think we could further expound on that and we would get greater meaning out of it.

The stability and the welfare of this country have been terribly attacked and weakened by the actions of a vicious minority. Mr. President, minorities prevail in every country; it is no different in this country than any other country. It is impossible to get a multitude of people to have the same beliefs, but fortunately in other countries the minorities as a rule do not rule the country and it is about time that this vicious minority in our country realize that they are not the elected people, they are not the people whom the electorate have faith in, and therefore they shall not rule.

Mr. President, my colleagues from Nassau and myself are used to this type of thing. It has been thrown at us ever since the first time we campaigned in this country. The minority group which I refer to has tried repeatedly to upset the good Government of this country and I do not back-track on my words today, I stand behind them and I feel that it is time that this minority group be dealt with.

It is a minority group which has enjoyed in recent months the umbrella of protection of some people with financial position and rise with responsibility to the nation, Mr. President. When we look at the people who constitute this vicious minority, we should not have to look any further nor should we have to worry any further and we should not have to have investigations.

The Bahamas have had the benighted opinion since the middle 1960's that they were sent here by divine providence to lead us through the Red Sea as Moses led the Israelites, but the sea could be very red if we were ever led by that minority. We have had people like Sylvia Seddon and we have had people like Nelson Bush and a few, few others (inaudible words as they are) who have banded into this campaign hoping that they could destroy the welfare and the stability of this country.

I say openly in this Assembly, on any platform in the land and in the face of the Lucayanean Warriors that are for top) that it is time this country dealt with this problem. This country has been led astray too long.

This Motion that we are dealing with is a Motion in two parts; the first part deals with the integrity of a fellow human being who has proven himself not only here, but in other areas and the second portion deals with the financial support which this Government should afford him as well as any other member of the Civil Service who should be attacked maliciously in the future.

I have listened very intently to the discussion on this Motion. There are some people who will say they lend support to one part of it, but do not lend support to the other. Mr. President, that is like the man walking down the middle of the road. He is not capable of deciding on which side he is. It is very,

HON. JAMES K. DOLDEN (Hamilton): very important that we maintain the integrity of the Police Force in this country. The Police Force as a whole may have made some mistakes, but so has everyone of us and if we have come the police to where the people of this country have respect for them, we have lost everything on which stability is built.

The police are there to maintain law and order and to have the respect of the people. When that is lost, Mr. President, we have everything.

With regards to the financial support that is dealt with in the second part of the Motion, some Members have referred to that as an over-and-above commitment for this country to spend money. Now, Mr. President, how hypocritical can one be when in this Budget that has been presented to this House, in particular there is one vote, that is over-and-above and has been agreed upon unanimously by the Finance Committee which constituted the entire Elected Members of this House. When we embarked some months ago on the investigations which were promised by the previous ministry, none of us were told how much it would cost and none of us now at this time how much it has cost us. No, by God, how can we be such hypocrites when during these or four months Members of this House unanimously approved this over-and-above expenditure and agreed to them?

These are the same type of people, Mr. President, who would go to the Commissioner of Police, myself, or anyone else and put their arm around you and with the other hand stick a dagger under your ribs. And they are only answering themselves to the people of this country when they come in here and they speak in the manner which they have spoken.

They are talking about the financial support, Mr. President, how can we arm our police and our Civil Servants to put out in the manner in which they should handle their work if they are not supported by the Elected Members of the House. I would liken something like that to a country fielding an army with walking sticks against a country of armoured tanks. It would be likened to Nazi invasion of Poland in 1939 when the Germans went in with all their armoured equipment and the poor Poles went out with their cavalry-group charges to try to stop them.

Mr. President, I am used to taking the knocks that are thrown at me because I do not speak with a double tongue or with subservience in my expression. I believe, Mr. President, that the Biblical saying, "turn the other cheek", does not really apply to me. I have turned my cheek many a time and in turning that cheek I have gotten the other one slapped and if I had four more I would have gotten them slapped - so I am through with that.

Mr. President, I stood for election in this country in 1971 and I have stood unanimously since then. I stand with the opinion that I am offering my services for the betterment of this country. I stand with the opinion that the electorate would provide the faith in me that I would always fight for their well-being and come hell or high water I have done that. I will continue to do it. I was elected among many others in 1976 on the slate which put into this country a new Administration; happily to be called the Golden Administration and I am proud I am a part of that.

Mr. President, I operate on the idea that the election put us in to govern. We were not put in here to listen to the whims and fancies of a minority group. We were elected with some of the biggest amounts of votes, percentage-wise, that have ever been cast in this country and the days, Mr. President, of the wild wagging the dog are finished. So long as I am an Elected Member in this House I will stand firmly against the decision of this minority and in the future will see that they will never put this country

HON. JAMES M. COOPER (CONTINUING): down the way they have done in the last year.

This minority, Mr. President, has demanded answers except the good Lord and they have gotten away with it. Now if we have to fight fire with fire let us fight fire with fire. I am going to speak further on that as I go along because I will have to allude to what one Member has said in his debate.

This House along with you, Mr. President, agreed to investigations being carried out in an attempt to convince this vicious minority that the allegations which they had formulated in their figmy minds may not exist. This has caused this country untold embarrassment, it has caused it an untold amount of money and it has caused an untold amount of mental anguish to some of the people concerned.

We had the sordid murder of certain cases that have happened in the past few years. I personally remember saying at that time, "Let us conduct the investigation, but we will find out no more than we know today." Time proved me right in that one as it has on many times in the past. What did we find out? Then we had the further malice conducted by Mr. Brownlow and his group with certain recommendations emanating therefrom. I think it could have been avoided at that particular point if, again, probably Mr. Brownlow had not been misled in believing some of the vicious rumours that the vicious minority had spread. After that then we had the Briggs' group.

Now I have heard a lot said in this House about the Briggs' investigation and report. Let me clear one thing with the public today, Mr. President; the terms of reference for Mr. Briggs was not an investigation. Mr. Briggs was brought here to advise this Government on legislation that could be put in, in the event that there was corruption in the Government. I think it would be impossible for me to go to the United Kingdom and ship there five days not having been there before and advise them of anything that would be good for the United Kingdom. And I therefore feel that it was impossible for Mr. Briggs' group to come here and spend five days and give us any advice that would be helpful to us in the future.

I do not believe that I am denigrating anything out of the ordinary by saying that if we had adopted the Home Rule legislation we would have been going backwards several hundred years and adopting legislation which was prevalent in France many centuries ago under the Napoleonic code. We could not subject our Civil Servants to this position, Mr. President, and if some benighted people would think that we can subject the Civil Servants to that position then let us make it clear that everyone must come under that umbrella, the Legislative Assembly Members as well as the Civil Servants because we cannot stand here as the representatives of this country, on the sentiments of the Sinn Fein and suggest our Civil Servants to that position.

Finally, we have had another investigation, an investigation that I would call individual investigations - the reports of which we have many inside of at this time. These have all been carried out to the detriment of the people of this country and if anyone thinks that this vicious minority is finished then they are wrong, because if we could have investigations from now until the time that the good Lord comes, we could never convince this group of anything. And what I am saying to you, Mr. President, is that if this starts again do it like how we dealt with it and deal with it with tenderness and deal with it to stop it.

We recently purposed to this House an amendment to the Defamation Law. I am not about to debate the pros and cons of that, but some of the people who spoke very strongly against the defamation that took place in the vicious minority against Commissioner

HON. JAMES M. ACKNER (continuing): Strauss and Altman this morning, were the first to jump on the bandwagon, with certain elements of the press, to condemn it. It was wrong to put the Defamation Law in, which would have protected in a sense a person's character and it is wrong to come to this House and support that person by saying that Government should defend him with financial support. If ever there was hypocrisy, here is a good example of it, Mr. President.

There have been illusions made to former demonstrations that were held in this country. Mr. President, I am proud to say and I have said it many a time before, I was one of the main movers behind the two main demonstrations that were held in this country, but when I did that it was for a worthy cause and it was with the support of the people. I did not have to go down to certain areas of the town and offer whiskey and beer to come and join my demonstration and then to be sleeping in front of Government House. I had the support of many thousands of people and the top people in the country. So I am not afraid to say what I have done because history again has proven me right. If we had not stood against the Development and Planning Law and other things at that time in 1972 and stood firmly against it until 1975 and kept it in mothballs until then, Mr. President, this country would have been ruined. We would not be debating the $40 million budget in here today because if that law had ever been implemented these Islands would have been like the Galapagos Islands and that is why I have stood against it. If I had to do it again I would do it one hundred times over. I am not ashamed of it, but I think the way these people go out and act the way this vicious minority has done, getting the support they got from a few whom you could name on your hands and with the help of a payment of whiskey and beer go to sleep in front of the Administration building, should be very well ashamed of themselves.

Mr. President, when I took the Oath of Office when I was elected, I have that Oath to serve my people and I can look into the face of any Caymanian from one end of these Islands to the other and I have lived up to that solemn oath. I have worked with my people, I have served them, I have helped them, I have served my country faithfully and I am prepared to put my record up against any Member whatever served this country in an elective position, or who will probably ever serve it for many years to come. I am tired of the type of vindictation that we get because we try to serve our country and serve it fully.

I have said in the past and I will say it today that I do not believe that any past politician in this country who ever derived one penny from corrupt measures. I do not believe them and we may differ today and some of these may be my political opponents, but being a politician or prominent is not to the point of tearing down somebody's reputation and trying to make a dishonest individual - that is not making you a politician. I believe very much in the integrity of the Members of this House and it pains me to have to speak in this manner sometimes, but I believe, Mr. President, do not try to slap both of my cheeks because I am not going to give you them.

We must lead this country, we must lead it in the right direction, we must not allow it to drift and, Mr. President, I am ashamed to admit it, but this Administration has begun to drift. If anyone doubts that, Mr. President, look at the record of this Government from 1976 to record what was accomplished. Look at it in the early 1980's - what has been accomplished and what is not accomplishing today, but we are not accomplishing as much as we should because the helm is not set right. The rudder is not in the right direction and we are drifting.

We have dealt with a large budget this

HON. JAMES M. DODDS (CONTINUING): time, Mr. President, but the budget did not allow us to do everything we wanted. However, there is very little that can be said against that budget, even the opposition parties in this House. There are not many areas that have been left out. Each one of us would have liked to have had much more for our constituents and for the country as a whole, but you are only allowed a million here so far and the budget could not be stretched any further.

I have the firm opinion, Mr. President, that the campaign that was mounted against Commissioner Stevens was mounted because he has broken the back of the drug traffic. For years in this country we complained about it. We were wondering the letters of the two - we were not getting to the roots. We were getting the little kid on the corner smoking a joint stick, but could never get to who supplied it to him. I feel at this point that the drug trade has been broken in this country. I feel there are some people still involved in it, but their time will come like the others have come. But this is why I am firmly convinced that the campaign has been mounted. And, Mr. President, this has been a conspiracy and I feel that this Government should not vote the money we are voting today to help defend the integrity of Commissioner Stevens, but we should be voting whatever amount of money be needed to break the back of the conspiracy because this is well thought out, well orchestrated, well financed and well together. It may have outside support, but I feel that lot of that support is coming from local sources.

We quite well know the actions of certain Members. We are quite aware of the legal support that has been offered and has been forthcoming from some Members with regards to what I term the underground newspaper. So why get up in this House and be hypocritical about it.

Mr. President, going back into American history for one second more, they had another president who has often been quoted and that was Theodore Roosevelt. In one of his statements he said, "Some men are born up to their particular ideals without ever going higher than the basement." That is a true saying and many of these people who support the vicious minority prove this to us more and more every day.

Some Members have accused us of not keeping them informed of what is going on. Yes, Mr. President, they will sit in Sessions when we are informed of what we are about, carry on rumour to be made and then come here and speak out against it or go out to the press and tell their another version of it. How can we keep them informed when we cannot trust them to keep anything that is point out? What do they warrant of us?

One Member quoted very ably from the Bible Proverbs 10, verse 7 and Mr. I do not remember exactly what was said. It has been many years, I will admit, that I have spent the time with my Bible that I should have spent. My parents taught me to do so, but I, like many more, have drifted. So I cannot remember all of the words and I did not research my Bible last night to get the words, but I think it dealt with a unthinful man and a sefl reason. That per ticular Member should have applied that to himself before he opened his mouth in this house to apply it to us.

..... I will be back in just a minute, Sir. Sorry for the interruption, Sir.

In the debate today, Mr. President, I agree that we are probably trying your patience by this time because all of us have drifted, but one Member I think spoke about the party system and being against it. Mr. President, what is wrong really with the party system? It is the system of democracy. It is the system that has been used all over the free world. It is the system of our Mother Country. What is wrong with having it in Canada? It is like,

HON. JAMES M. BODDEN (INTERJECTING): say, Independence. I would be foolish to say that this country would go to independence, but there is no man who can ever tell me that he is a free man who does not in the deepest recesses of his heart cry for freedom and independence. No man can tell me otherwise because he would be lying. Therefore, Mr. President, I will stand here today - I have already made known to the public (and I'm willing) that I will be standing in 1984 or I will stand here today and I will tell the public as I will tell them later that eventually this country has to come to a party system of it is to survive under a true democracy.

We have proved it has worked. We have worked the new system without it being fully acknowledged since 1976 and show me greater prosperity that has ever been in the country than has been here from 1976 to 1984. So it is foolish when we keep these kind of things in the House and craft off to bring such things in.

One Member spoke and said that the Motion was untimely, miscalculated, would open up the wounds and so forth and so on. Mr. President, let us not kid ourselves, let us not kid the country as a whole. The wounds have not healed; the wounds are not going to heal because you are dealing with people who want nothing but trouble and I say most trouble here on do not run away from it. Regardless of what we do to try to convince these people, we are not going to accomplish anything. I say they have stirred up the people of this country unnecessarily, they have caused harm, they have not ashamed to Proverbs 16 and therefore we cannot believe in anything they would say would help us in healing the wounds.

Mr. President, I believe in the honesty and the integrity as a whole of the Royal Cayman Islands Police Force. I believe as I did from years ago in the honesty and integrity of the Commissioner of Police and I am not going to stand here in this House and only give him partial support. He is to only a symbol of what could be happening. We are not really offering to defend the Commissioner of Police, we are offering to defend our form of Government and the people who make that Government function.

We cannot allow our public officers to be victimized in the manner in which the underground newspapers and some of their enemy supporters have been doing. It is time for this to cease it was said about individual motions. Mr. President, I support individual motions. That is what makes our form of Government work. But what could have been more political for the 1984 elections than a motion that has been withdrawn from this House that was passed by a Member of this House to be debated during this Session.

When I talk of happenings in Grenada as far and wide, Mr. President, that I have to agree from some of the people who have spoken that 1984 will tell the story. And if this Minority feels that they are capable of taking the seat from and telling the people of this country of what has been happening any better than I or my colleagues can do, then I welcome that fight and I hope to God I live for it because 1984, Mr. President, is going to tell a story and it is not going to be the story that they are preaching in their various underground newspaper. Our hands will not be tied, our mouths will not be afraid with regards to the facts in 1984 like it was in 1980.

Mr. President, there are many things that will come about, but I am hoping that the majority of the Members of this House have the backbone I feel they have and have the integrity that I know they have to support this Motion and to see that it is passed and to put the fear of God in these people that they cannot go on any longer tearing down this country.

I will close in saying, Mr. President, although I would love to go on until Monday, that God bestows finite like a mother who blesses the offspring with unfathomable forgetfulness.

Thank you, Mr. President.

MR. SPEAKER: ... unless there is any Honourable Member who proposes to speak for a rather shorter period, it may be a convenient moment to take our usual, I hope fairly brief, suspension. Before doing that I wonder whether Members are going to feel that they would like to sit at all later than usual this evening and/or tomorrow because it seems to me to be possible that unless we move a little more briskly ahead with our business we shall not complete it tomorrow unless we sit late either this evening or tomorrow evening.

HON. D. H. FOSTER: I would be quite in favour of sitting a little later this evening, Sir.

MR. SPEAKER: Would most Members favour sitting a little later this evening perhaps, yes. Well we can discuss it informally ... more during the suspension. So I will suspend proceedings, sorry .....

HON. THOMAS M. BODDEN: Mr. President, I am wondering if we are going to take the coffee break now and sit a lot later whether it might be more useful to take the coffee break a bit later.

MR. SPEAKER: Yes, perhaps it might. That is a good idea I think. So I will invite another Member to speak in this Motion. Does any Honourable Member wish to speak?

The Third Elected Member for West Bay.

MR. BENSON O. WATLER: Mr. President, I have few notes so I am unable to say for how long I will speak. I hope it will not be very long.

I would first like to say, Mr. President, that I can affirm confidence in the integrity of the Commissioner and certainly will afford him all possible support in carrying out his duties of enforcing law and order in these Islands. I am a law-abiding citizen and I would do no less regardless of who held the position so long as that position was held by proper authority. Unfortunately, Mr. President, I am not able to support this Motion in its totality.

It has been said, Mr. President, that the allegations and representations which have made earlier this year were done by a minority and I think one Member said representing the efforts of one or two people. I am not prepared to say how many people were involved, who may like Bill or who the two-seven was, but, Mr. President, my understanding is that the activities earlier this year could not be adequately or correctly described as the actions of a minority. For example, at one public meeting I understand that the police actually had to call over 400 people out for one political or public meeting in the Cayman Islands a crowd in excess of 400 people to be all standards a large crowd.

I also understand, Mr. President, that there were different and divergent groups who made representation to His Excellency the Governor on certain matters earlier this year.

I want to make it quite clear on this point, Mr. President, that I have no friendships to retain or to cultivate when I stand on the floor of this House. My responsibility is to my constituents and to my conscience.

To get to the nuts of the Motion, Mr. President, or to get to the Motion, I have difficulty reconciling some of the statements which are contained in the Motion. It says that following the widespread communications, "His Excellency the Governor ordered high-ranking investigations to be made", and secondly that as a result of these enquiries the Commissioner of Police has been completely exonerated.

Now, Mr. President, my understanding of

MR. BENSON O. BRANKE (CONTINUING): that took place earlier this year and the consequent moves, or the subsequent moves, was that discussion had been on the unproved not on the integrity of the Commissioner of Police, but criticism was made as to his leadership of the force and it had been said that he had lost the confidence of the people of this territory. In addition to that, Mr. President, was this question of the statement referred to by an earlier speaker made regarding what has now become known as the aborted cocaine case. And, Mr. President, that will forever be an argument in the minds of the people of this country and elsewhere. The matter is subjudice and you will find eminent legal minds arguing one way and some arguing another. The only way it could have ever been satisfactorily resolved was if it had gone through the entire judicial procedure. It has never done this, so it will always be a subjudice matter in the minds of the people of this country.

The investigation by Mr. Brownlee, Mr. President, was an investigation into the effectiveness and efficiency of the Police Force. That report has been published and as regards the efficiency of the Police Force I think it would be correct to say that that report leaves a lot to be desired as far as the efficiency of our force is concerned. Furthermore, Mr. President, that is to be followed, as I understand it, by a much more detailed report which will make recommendations to correct some of the shortcomings which Mr. Brownlee saw within the force.

I am not going to presuppose what those recommendations will be. Therefore, Mr. President, one has to accept that that investigation is incomplete. It is possible, Mr. President, I do not know, what any kind of recommendation may be included in that detailed report to, as I said, ameliorate or to improve the weaknesses which is found in the report. They may go as far as removing officers, increasing the strength of the force; one can use their imagination and take it to any length. In fact one can reflect on the statements which circulated around the time of Mr. Brownlee's departure from this country.

Now, Mr. President, the question of exoneration arises in my opinion only in what I would call a subsidiary or an additional investigation which was suggested by Mr. Brownlee and which I think the Members of the Legislative Assembly agreed to. As I understand it they referred to the accusations of one Mr. Kennedy - a gentleman I do not know. I do not know him in connection from St. Peter or St. Paul and as I understand it that investigation included the Commissioner of Police, other Government servants and business people in the community. It therefore is amazing to me, Mr. President, how Members can just get up on a bandwagon and seek to single out one individual who had been accused and cleared according to the report. I still do not know who the other Members of Government or the public are who were accused and who are being investigated, but I would have thought, Mr. President, if there was any intention of supporting one party in their legal battles over accusations that the other Members of Government would have been treated likewise.

The mover of the motion and just about everyone who has spoken in support of it have said that the allegations were against Civil Servants and the police. I am therefore, Mr. President, at a loss to understand why one person should be singled out for Government indemnity against any legal expenses that might be incurred.

We may as well get over the point, Mr. President, that is now trying to be drawn into the debate and that is to say that the motion covers actions in official capacity - the official capacity of the officers concerned. I believe that that is the case anyway and generally if an officer of Government becomes embroiled in litigation in the performance of his official duties then I would say it is Government's responsibility to stand behind that person and see

MR. BRIAN G. HARRIS (CONTINUED): that he is misinformed and I believe that this is what will happen in practice.

So I have to agree, Mr. President, with those Members who have said that this Motion should not have been before this House. It is only opening old wounds and will revive this whole matter again for discussion. I am not sure whether this suits some people's causes or not, but I would have thought that in the interests of a peaceful community we would have let sleeping dogs lie.

I would like to refer, Mr. President, to the reference made to the Hinze report that is in particular the Judges' report and the motion which was made about putting Civil Servants under the Hong Kong government which resembled laws in Spain or France many years ago, and to say that it is my understanding that no Member who referred to the Judges' report said that they supported all of the recommendations. What the Members said was that they recommended or supported the idea of the report being published so that all the people would know what it said. If Legislative Assembly Members disagreed with the implementations of part or all of the recommendations, then that could have been stated also.

I agree with those Members, Mr. President, who say that this is an open issue and I would go further to say that the indemnification for expenses rather than the outright presumption of the case seems to me to support some planning expeditions. And I would hate to believe that that is the intention of this Motion.

Mr. President, I believe that all of our police and all of our Civil Servants are entitled to the same sympathy and respect and support, and I will support any of them who become embroiled in legislation or litigation because of the discharge of their public duty when that is done without fear or malice or favour. But I cannot, Mr. President, in good conscience support any motion which seeks to single out any particular member of the service for such special treatment.

On the question, Mr. President, of reopening the wounds and controversy, I know that this matter is still smouldering in the minds of the public. As one Member said, if you cut a finger why throw salt on the scale? I believe that that is what this Motion will do or that is the effect of this Motion. I believe that things were beginning to settle down although many people in the public were not satisfied that they had been given a clear understanding of what had transpired and I would not be surprised, Mr. President, if this motion results in the full explanations of the grievances which people expressed earlier this year.

As I said, I have no idea or have no way of knowing how many people were involved, who rang the bell in the first instance, but I am reliably informed that at least one of the public meetings was well attended and this I believe was what prompted His Excellency the Governor and Members of the Legislature to institute the enquiries which were instituted. And I believe that those enquiries were justified. I cannot accept that those enquiries damaged the country in any way.

If someone is accused of wrong-doing and that accusation is investigated and the person exonerated, well then I think the investigation has had the desired effect; that is it has put finality to the question regardless which way in which it was resolved.

Mr. President, I hope that we will be able to wind this up this evening. I am not going to go on further, I have covered the points that I want to cover except to say that while I accept your ruling on the question which I raised this morning, I still wonder what the effect will be if this Motion is accepted particularly by Government Members and the Official Members. It seems

MR. BENSON O. EDWARDS (CONSERVATIVE): to me that the remark would a foregone conclusion and there is a very narrow line between the ruling and the question which I raised. Nevertheless, that is merely for the record and I am not commenting with your ruling.

As I said, Mr. President, I cannot support this Motion in its entirety because I feel particularly the final personal clause in this Motion is unnecessary, it is provocative and it can only serve to further divide this country. I see no good coming of it.

Thank you.

MR. SPEAKER: I am advised that the tape is about to run out and for that reason alone I think it may be a convenient moment to suspend proceedings briefly.

It does occur to me before we suspend, there may be some Members for whom it will be useful to know now as to what time we are going on in case they want to advise others or whatever it may be. Would half-past five suit most Members generally? Half-past five, and then anyone who wants can send messages now in the knowledge that around half-past five we will end. I think perhaps we need not make it absolutely half-past five. If somebody is in the middle of a speech and they are finishing we can let him continue, but around half past five.

So I will suspend proceedings for fifteen and let us try to keep it to about fifteen minutes.

AT 5:43 P.M. THE HOUSE RECESSED

HOUSE RESUMED AT 6:01 P.M.

MR. SPEAKER: Please be seated.

Proceedings are resumed. Private Members' Motion No. 5.

HON. THOMAS H. BODDY: Mr. President, there is found in article 17 of the International Covenant on Civil and Political Rights, which is an annexation to the International Convention on Human Rights, the following and I quote, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attack.". This fundamental right is repeated in the convention nowhere is mentioned and the United Kingdom in the European Convention on Human Rights which elaborates on several areas, but is substantially the same in its article 8. However, in a prior article, article 5 of the European Convention in sub-article (3) it refers to where a person is charged with a criminal offence, then there are certain minimum rights which have to be afforded to that person and one of these is to defend himself in person or through legal assistance of his own choosing, or if he has not sufficient means to pay for legal assistance to be given it free when the interests of justice so require.

It have in this Motion, Mr. President, it is of the most basic and most fundamental principles underlying democracy in this country. Unless the Government and this Legislature stand squarely behind Civil Servants and public officers when they are treated unlawfully, we must expect that the Civil Service and the police will be eroded and we will see a breakdown of law and order. So important is this principle that not only is it incorporated in the municipal International Convention, but it forms an integral part of the Executive Orders

HON. THOMAS N. RODGER (CONTINUING): of this House in 1917 which put the acts and behaviour of certain Members including the judiciary and people who enforce law and order in where the debate is limited. It goes beyond that, Mr. President, and a repetition is found in section 5(11), paragraph (a) of the Constitution and section 21 of the Constitution where there are references that in the event that either yourself or Her Majesty are of the opinion that peace, order and good government of this country is affected, you can either use your reserve power or Her Majesty can legislate positively. To entrenched in every democratic society how is it the right for us to defend the peace, order and good government and to ensure that law and order is carried out.

Members established that principle, let us look at the controversial part of this Motion. The controversial part relates to our Ombudsman, the Commissioner of Police for his taking action for acts which are unlawful under the laws of this country. If we are going to abandon a Civil Servant and not assist him in living the type of life that we can expect as private citizens to live, then how will he be able to uphold those rights which we expect to live under? There cannot be a double standard when it comes to this.

The law relating to master and servant is very clear and I will read just briefly from Halsbury's Laws of England which are the authority in these Islands and in the Commonwealth, in which it says, "From the existence of the relation of employer and employee, a duty is to be implied on the part of the employer to indemnify or to reimburse his employee, as the case may be, against all liabilities and losses and in respect of all expenses incurred by the employee either in consequence of acceptance of his orders or incurred by him in the execution of his authority or in the reasonable performance of the duties of his employment.".

Here we have a situation where we have ground for investigation to be made, or at least it has been agreed to or condoned by the Members of this House and as a result of that a public servant has suffered and now we are in a position where we are saying, "That is alright, the mistake was made, let us bury the mistake and you live with our mistake for the rest of your life.". If we treat him at this stage then every other Civil Servant in this country will have to perform their duties believing that this Government may not stand behind them to indemnify them against unlawful acts performed in the carrying out of their duty. And that is really how it is. It is no different from saying to a Civil Servant, "Go there, carry on your duty of working and when it comes time for pay day we are not going to pay you.".

So I do not believe that any Member here and the Third Elected Member for West Bay who conceded to this, would try to withhold our consenting expenses for a Civil Servant when he is carrying out his duties. We do this every day in a different form. I have been where we have in this country paid to defend police in instances of false imprisonment and civil assaults. We perhaps in a different way pay for civil liabilities for firearms, for negligent matters to people who cannot afford to pay because it is the inherent right of everyone under the law to seek the remedies, whether they be damages or an injunction, or whatever, which are open to them under the law.

As the Fourth Elected Member of Executive Council put, we have to put our money where our mouths are. It is no good saying to a person, "Look you have suffered enough, but you must go ahead suffering it because we are not going to bury our mistakes.". And this resulted as a direct act of the Legislative Assembly Members commencing with Your Excellency for the carrying out of the negotiations and the other matters.

HON. TRUMAN M. NUGENT (CONTINUING): To go somewhat further, Mr. President, we must ask ourselves the question (to whom the Commissioner of Police this time) who it will be next; our judges? We are dealing with the one arm of Government that has to remain apolitical and if we do not protect it we will find a crumbling of society in these Islands.

I said somewhat earlier in the Budget Debate that I believe that more harm has come to people in this country through vicious greed than has come to them through crime, alcohol or motor vehicle accidents. And that is an opinion I honestly hold and in certain services we have seen it. People's lives have been destroyed and the time must come when a stop is put to this.

Take it in a common situation, Mr. President. We have given unlimited amounts - we could do not know how much, we probably will not know how much for a long time to come, on the basis of malicious allegations. This year we spent unlimited amounts on Her Majesty the Queen's visit. The question of unlimited amounts are not unknown in legislatures. So if we took vicious pleasure and a cheque with an unlimited amount on it, then how are you going to define us ? Does not what has got to be a minute sum compared to what we would be a pubil the many professionals who carried out their exercise that resulted in nothing? How can we use that as a defence for paying a Civil Servant that we have wronged that harm to?

Quite a lot was mentioned in relation to Prouvabe amendment earlier and I thought to myself, Mr. President, when the First Elected Member for the Lesser Islands was mentioning that, if each of us had applied that at the time this mess would not have arisen. It is no good having it and trying to apply it now in the aftermath of a situation.

Another aspect of the indemnity is for instance if a person driving a motor vehicle for Government is in an accident and injured, we pay to defend him - it is an injury to the person and here we have an injury to somebody's character. And believe me many times mental agony is the cause of far more anguish than is physical agony. So really when it comes to whether or not we should indemnify the Commissioner and whether we should try to nail Lewis, I think of the Alice in Wonderland phrase, Mr. President, where she said that things are what she says they are.

If we put an unlimited amount on an exercise that has created this problem, then why on this stage are we going to limit the small amount that is necessary to rectify the damage that has been done to that person.

This House told the Commissioner of Police to Commonalise the Police Force. He carried out these direct orders and according to one Member, that is a part of what he is now paying for. Once again it is a matter which the Legislature has had a part in. What we really have, Mr. President, across several months ago and we published a statement as Elected Members of the Executive Council and in it we made abundantly clear that this was going to be a lot of pain to the Islands; but in the final analysis, Mr. President, I spent a lot of time having to decide whether I should agree to this or whether I should stand and fight on the division. Looking back in retrospect I had at that time a choice between two evils, but looking back in retrospect it appears that those two evils were very similar in the amount of damage that has been done as a result of it.

No greater damage can a country have thrust than to have an allegation of corruption within the Civil Service. It strikes at the very heart of what makes integrity in the international arena. He said in that, two wrongs do not make one right - if the Cayman Islands are to survive internally and in the international world, then we must act in a proper, sensible manner and not be led by persons who attempt to bypass the principles upon which this free society exists

HON. THOMAS N. MOORE (CONTINUED): and who propose unusual measures. We have no doubt whatsoever that our courts administer justice in accordance with our laws and that we have good and effective parliamentary and police, and those they will continue. However, we accept there some circumstances may exist, but we cannot attempt to destroy the majority for the incompetence or alleged corruption of a few. People in the Islands have undoubtedly suffered as a result of what we have done and is cannot be repaired. You will never see the type of headlines in the press abroad saying, "No corruption found" as you saw when there were allegations of corruption. That is impressed in the minds of people abroad and it will remain for a very long time.

We also had in a paragraph on the Inquest will suffice, and in that we brought out very clearly what truly has come about.

I would like to just deal with one other aspect of this and it is really in the manner that Hon. is having words at your disposal which cause to be under your consent. We mentioned that in the statement, but the full momentum of this exercise had to have the backing of responsible and sensible people. Unfortunately, I believe that when they realized what was happening and the damage that was going to be done, they had the good sense to not do. Hopefully they have learned that connection fully.

The United Kingdom has a section in the 1963 Act that I raised to Members during the Budget debate with criminal libel, and I am wondering, Mr. President, whether perhaps that is not the answer to anyone who feels to be an offence under the United Kingdom law. That I believe to be perhaps one of the answers. And that law, which is still good, that was passed or enacted in 1963 says, "If any person shall maliciously publish any defamatory libel knowing the same to be false, every such person being convicted thereof shall be liable to be imprisoned for any term not exceeding two years and pay such fine as the court shall award.". This is how serious the destruction of a person's reputation is taken.

In other aspect, Mr. President - I have heard from time to time people who continue to say that the public is upset with this, the public is upset with that, when in fact they are getting that information from one or two people. As was quite rightly said here, the day of reckoning for what the public thinks comes every four years at the elections. And if we be misguided by a few people and believe that they are a majority of people in these Islands, we will have the same dilemma which the Third Elected Member from West Bay raised - a public meeting with 200 people who are prepared to stay there and listen to nonsense, but a few weeks later the march which this was inspired by ended up with some 25 or 30 people whom the Honourable Fourth Elected Member of Executive Council referred to as being paid mourners.

That is the sense that we have in the electorate here. If we are misguided by believing that people who come out to a meeting and listen to nonsense are going to go in an election and unanimously vote for you, I think we are making a mistake. The people are looking for guidance in this country and we must be big enough at times, to in instances like this, to say, "We have made a mistake" and we should take whatever course is necessary to correct it with the least harm.

The results of the enquiries have shown us the Superintendent from Scotland Yard mentioned that he was able to unequivocally report that there is not a shread of evidence to show that the Commissioner at any time has engaged in corrupt practices. And you cannot take and indict the complete Civil Service and the complete Police Force on these rumours. There has not been, up to this time, any substantiated convictions or charges for corruption. As I guess would be the position in the private sector, there are always people who are

HON. TRUMAN M. BODDEN (CONTINUING): going to break the law, but for everyone who does there are 99 good ones out of every 100.

We have to take this matter seriously and when the position arises that a public servant in the execution of his duty suffers, then this Government must be prepared to indemnify that Civil Servant.

I would like to make it abundantly clear that I do not intend to support enquiries such as we have seen in the last few months on the basis of what was produced for the carrying out of these enquiries. If it comes to a stage that there has to be conflict publicly, which once again could be damaging within the Government, then I would be prepared to run that risk me being the leader of two evils at this time.

Lastly, Mr. President, is another convention, both in the European Convention and the International Convention on Human Rights, this states that every person is innocent until proven guilty. On these principles lie the most important aspect of law and order in this country and I hope that never again would there be the part of indictment on what must have been malicious, undoubtedly unfounded, undoubtedly unsupported rumour spread by a criminal, a man whom I understand has been convicted of serious crimes in another country. And to take on the basis of that and have the blank cheque for hundreds and thousands of dollars it may well go far beyond what we expect in the end; and create the enquiry of this sort and put innocent people to where they will suffer because of it for the best of their lives; and them, Mr. President, the most hurtful part of that indictment is at the end of it to say the culprits must go free.

I do not believe that any Member here could say to themselves honestly say to themselves that we believe that the people who created these malicious rumours, who alleged matters of incompetency of corruption should go free. And basically this Motion will determine whether or not these people go free because if they do they are going to go on to do the same thing and we stand a change of not just the police this time, but perhaps the judiciary which is the most fundamental aspect of our democracy in the Cayman Islands.

So, Mr. President, if we accept that the Commissioner was acting the course of his duty, which all Members have said, and if we accept that damage has been done to him; if we accept that under the master and servant relationship of the law there is a right of indemnity; if we reject the defense put up by the proposers of this Motion that they are not prepared to write an unlimited cheque to pay for the defense of a person we know to be innocent, but were prepared a few months ago to give an unlimited cheque which is still running (no still amount fill in the hundreds and thousands on it yet) for people who made unjustified attack upon a Civil Servant, then I do not see how we can have opposition to this Motion. And to be frank about it, I have been a Civil Servant, I have had to defend, I have had to prosecute and it would have been a sad day, Mr. President, if I would have had to advise a Civil Servant that when they suffer as a result of carrying out their duty, that it is their problem and the Government does not stand behind them.

The International Convention on Human Rights sets it out, Mr. President, very clearly when it says and I will quote, "No one shall be subjected to arbitrary or unlawful interference with his privacy, his family, his home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attack.". If you vote against this Motion, you vote against the International Convention on Human Rights.

HON. MICHAEL J. BRADLEY: Mr. President, I think it might be appropriate

HON. MICHAEL J. BRANDT (CONTINUING): to propose the suspension of Standing Orders. I would so propose in accordance with Standing Order 83.

SUSPENSION OF STANDING ORDER 10(2)

MR. SPEAKER: The motion before the House is that in accordance with the provisions of Standing Order 83, we should suspend Standing Order 10(2) in order to enable the House to continue until five-thirty this evening. I think that was the general wish of Members. So unless any Member now wishes to speak I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 10(2) SUSPENDED TO ALLOW THE HOUSE TO CONTINUE UNTIL 5:30 P.M.

HON. MICHAEL J. BRANDT: Mr. President, Sir, I had intended to speak briefly in this debate in view of the remarks concerning legal procedure and the duties of the Attorney-General's Chambers which had been raised by the First Elected Member for the Lower Islands and the Third Nominated Member for West Bay.

I am delighted to say that after the erudite and masterly treatise on international and statute law given by my learned colleague, the Honourable Second Elected Member of Executive Council, I (and I am sure Members will be pleased) will be very brief indeed.

Briefly I would say, Mr. President, Sir, that under the Crown Proceedings Law, civil proceedings by the Crown and civil proceedings against the Crown are instituted by the Attorney-General and instituted against the Attorney-General. The practice is not and the law does not provide that the head of any department or of any Portfolio (whether it be the Director of Legal Studies, whether it be the Director of Public Works, whether it be any other Civil Servant) can institute proceedings on behalf or defend on behalf of Government in the name of his official title or in his own name; those are done in the name and by the Attorney-General.

That being so, it is not possible, as was envisaged by one Member, that the legal department could undertake the work of acting on behalf of a private Civil Servant. It would in fact be inappropriate that Government's legal advisors and Government's Attorney-General should do so because in a private civil action it may be that there would be interest that at times might be inconsistent with that of the officer and that of Government, and that he should not be deprived of his right and his privilege of independent legal representation.

That being so, Mr. President, Sir, I wanted to draw Honourable Members' attention to Government Regulations and to Government Regulation in particular 2.22.2 which is the second paragraph of the Government Regulation which relates to legal proceedings. And I will read it - 'Subject to the orders of the Attorney-General in any particular case, the Government will accept responsibility for the defence of officers against whom legal proceedings are threatened or instituted in respect of acts done or liabilities incurred in the execution of their duties. Where any such proceedings are threatened or instituted the facts shall be reported to the Attorney-General, and no legal or other expenses shall be incurred by the officer or other steps taken in connection with any such proceedings until the directions of the Attorney-General have been received.'.

That being so, as the Third Elected Member for West Bay correctly said, if any Civil Servant is sued in connection with anything he has done or anything that has taken place in the

HON. MICHAEL J. BAILEY (CONTINUING): execution of his duty, Government takes over and accepts responsibility for his acts and to act on his behalf in such action.

In relation to proceedings taken by a Civil Servant as a result of something done in the conduct and execution of his duty (and this is what I envisaged the nature and wording of the Private Member's Motion before us envisaged), I consider that there is a general practice in other territories and other countries whereby if an officer is injured (and by injured, Mr. President, Sir, I mean not only physically injured as it would be if he was driving a motor vehicle or a passenger in a motor vehicle which was injured by a third party and he sues redress against it) to his reputation which is sorely, and especially in a small territory, important, that then there is a responsibility of Government thinks it appropriate to say to such public officers, "Do your duty without fear or favour; carry out your duties and we will stand behind you.".

Mr. President, Sir, Members have said or inferred that this is an unusual step being taken and that there are safeguards against it and that it should be seen to unlimited public expense. The Motion, Mr. President, Sir, as is before us says that the House strongly recommends that should the Commissioner wish to institute proceedings, Government agree to indemnify fully the Commissioner of Police. This is a recommendation to the Government and if passed would be a recommendation, albeit a strong recommendation. Government could in this territory, in order to stand behind its Civil Servants, if it wished to take the step that in common practice in other territories and countries whereby they would agree to indemnify in that manner.

Even, Mr. President, Sir, if Government did that there is contained in Government Regulations, in the paragraph previous to the one I have just quoted, another safeguard which I would hope Honourable Members would consider to be an adequate one. And again may I read that, Mr. President - "No action may be taken by an officer to institute civil proceedings in any court in connection with matters arising out of the discharge of their public duties, or against any other public officer, or anything done in the performance of his duties, unless the approval of the Attorney-General has been obtained.".

Mr. President, Sir, the approval of the Attorney-General would be or not done in the discretion of the holder of that office and would be done in the same manner as he does in the exercise of his discretion under his other statutory functions, free from influence of any kind.

Mr. President, Sir, when this Motion came before the House it came as a Private Member's Motion. I considered it, I considered the content of it, the circumstances of it. I considered and have listened carefully to the speeches made by Honourable Members on all sides of the House and being a Private Member's Motion, Mr. President, Sir, I felt that it was one that I could vote on whatever according to my thinking and my conscience. I feel that it would be less than my duty and my responsibility if I were to not carry out that as a Member of this House. I have considered the Motion carefully and while it is a free vote and my fellow Official Members may act according to their conscience, I must say, Mr. President, Sir, that I consider the Motion a fit and proper one and will have no hesitation in supporting it and voting for it.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak, I will ask the mover whether he wishes to exercise his right of reply?

MR. J. CANNON SMITH: Mr. President, in listening to the debate before this Honourable House today, I had doubted that my reply would be

MR. E. DALTON DAVIS (CONTINUING): at least an hour or an hour and a half. And, Mr. President, since Members on the Government bench have so ably answered most of the objections to this Motion, I will endeavour not to hinder this debate too long at this stage. But, Mr. President, I will touch briefly on one or two points.

As I understand it, Mr. President, some Members did not agree with the sentiment contained in the Motion before this House which relates the Commissioner of Police to continue probe if he wishes. Mr. President, it seems to me that most of the concern of these Members is the spending of public funds. But I would have thought, if these Members were so concerned about the spending of public funds they would have thought about that when they called for the investigations into which cost this Government thousands and thousands of dollars.

I could not believe, Sir, that these remarks at this time brought the investigations would not cost this Government and the public a lot. I mean, Mr. President, had the amount of money spent on these investigations been taken into consideration, the money saved could have readily been spent on the Bluff Road in Cayman Brac which the Members spoke about and filled most of the other needs in our community.

Mr. President, I wish to thank Members who supported this Motion and I would hope, Sir, that Members who claimed publicly how much confidence they had in our Commissioner would show that confidence by moving to the rescue of this good gentleman by supporting this Motion before us. Mr. President, if we believe the Commissioner is a man of integrity and honesty, then we must remain firm to protect him.

Mr. President, one Member quoted a saying, "You can fool some of the people some of the time, but you cannot fool all the people all the time." Mr. President, I agree with that, but if this Motion does not prove anything else to this Honourable House, it has proven this saying to be so. We do not have to wait for the TWO elections, we have proven that here today.

Again, Mr. President, I wish to thank fellow Members for supporting this Motion.

I thank you, Sir.

MR. PRESIDENT: The Motion before the House is Private Member's Motion No. 5. Since it is rather long and all Members have it before them I will not read its terms out

QUESTION PUT: AYES AND NOES

MISS ANNIE HUDSON DODGE: Could we have a Division please, Sir?

DIVISION

Ayes	Noes
Hon. O. T. Walter	Mr. Benson O. Wilson
Hon. Michael J. Bradley	Miss Annie Huldah Dodge
Hon. T. C. Jefferson	Capt. Charles D. Kirkconnell
Hon. Truman M. Bodden	Capt. Mary C. Kirkconnell
Hon. James M. Bodden	Mr. Craddock Ebanks
Hon. V. Arch Hurlston	
Mr. J. Ranston Smith	
Mr. D. Julmarin Ebanks	
8	5

ABSENT IN THE CHAMBER FOR VOTING – Hon. John B. McLean and Mr. W. Norman Bodden

MR. PRESIDENT: I declare the Motion carried by 8 votes to 6.

PRIVATE MEMBER'S MOTION NO. 6 PASSED BY MAJORITY.

GOVERNMENT BUSINESS

BILLS

MR. PRESIDENT: Item 8, Government Business - Bills.

THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1983
FIRST READING

CLERK: The Customs (Amendment) (No.2) Bill, 1983.

MR. PRESIDENT: A Bill for a law to Amend the Customs Law (Revised), do commend to have been read a first time and be set down for second reading.

SECOND READING

CLERK: The Customs (Amendment) (No.2) Bill, 1983.

HON. T. C. JEFFERSON: Mr. President, I move the second reading of a Bill entitled A Bill for a Law to Amend the Customs Law (Revised).

The objectives of the Bill, Mr. President, are to remove or to deal with three main items. First, to remove duty from dry cereals, essentially to limit the value of portable radios, also, which qualify for duty-free status and thirdly to remove the exemption of duty from non-agricultural machinery for local manufacture.

Mr. President, I doubt whether any Honourable Member will object to the duty being removed from dry cereals such as cornflakes, wheatina, etc, which has become a common breakfast of children in Cayman. Therefore, Mr. President, I do not intend to spend much time on it, only to say that it will not affect the 1983 estimated revenue put forward in the Draft Estimates.

Mr. President, I do not think it was the intention of Legislators of the day, when the clause dealing with portable radios was originally remembered, to allow large portable radios, with cassettes costing $800 to $1,000 (US) and which stand two feet in height and have two large speakers, into this Island duty-free. Only in recent years, Mr. President, have these size radios been imported into the Cayman Islands and Government is losing considerable revenue here. It is proposed to reduce the duty-free value on these radios, tape players, etc, costing less than $100.

I realise, Mr. President, that the removal from duty exemption on machineries imported chiefly contain predominately matters of local interest, has been and is controversial. It appears arguments have been offered for and against the clause of the Bill. I have also heard comments that Government is trying to muzzle the press. These are catchy statements, Mr. President, but there is no intention here of muzzling anything. It is simply an attempt to establish more of an equitable system of competition for the other businessmen.

Let us, Mr. President, examine the other side of the argument too. In it fair to the other businessmen which have

HON. T. C. JEFFERSON (CONTINUING): imported printing machinery, ink and other materials and have the constant bother of machinery breakdowns, repairs, employment and training of staff to run it and on which duty has been paid to allow the competition duty exemption on the newsprint for the competitor to have an easy time by having the printing matters simplified by jobbing it out to a printer in Florida where the quality on colour prints is known to compete with. Is it fair, Mr. President, and Honourable Members?

This Bill does not relate to the Duty Waiver magazine, neither does it relate to the handbook, Mr. President - it relates only to newspapers. Therefore it appears that the newspaper has the least of the deal when considering the printing problems and worries.

Government has put forward this Bill because of the cancellation of unfair competition made by one of the local newspapers.

Mr. President, during the Committee Stage of this Bill I propose to move an amendment to allow boats which travel to the Cayman Islands under their own power and which measure more than twenty-five feet, to be exempt from custom import duty. Over the years, Mr. President, some boats have been administratively released to enter into the Cayman Islands and duty has not been charged. This is not in accordance with the law, Mr. President, and the proposed Committee Stage amendment seeks to put this matter into the proper light.

With the $1 million fishing tournament due to come, 1984 and the number of yacht and cabin-cruiser owners who may be attracted, it seems appropriate to remove any impediment to boats visiting and the people of the Cayman Islands benefiting.

Mr. President, as earlier indicated in my winding up of the Budget debate, I opposed with the Second Elected Member from the Sister Islands that kerosene used as oil for lamps should be imported into these islands duty-free and I will propose a Committee Stage amendment to bring this into effect.

Mr. President, I ask Honourable Members for their support.

MR. PRESIDENT: The question is that a Bill entitled *An Law to Amend the Customs Law (Revised)* be given a second reading. The motion is open for debate.

DEBATE

THE CUSTOMS (AMENDMENT) (NO. 2) BILL, 1983

HON. VINCENT M. ROBERTS: Mr. President, I support the Bill and the subsequent amendments. We have every year for the past few years reduced import duty off necessities and basic products in the Islands and that is a precedent that we have created - it has been unique to this Government and I just think God that we have had sufficient money to be able to assist the poorer people in the Islands in this way. I think we have now taken duty off probably twenty-odd products or thereabouts I believe and it does provide assistance, especially to large families.

I also agree with the limitation on portable radios and tape players.

In relation to the exemption of yachts and boats, we are now trying to promote more fishing in the Islands and I believe that going with it must be some freedom for boats to come freely in and out of the Islands.

The most controversial part of what I

HON. VIVIAN M. BOSTON (CONTINUING): regard as not very controversial a Bill, seems to have been levelled in two areas. Firstly, insufficient time to the public - well, Mr. President, in every country in the free world, revenue measures are only introduced after the Budget. In this instance it went out some earlier than that so I do not think anyone has any complaint in that respect. The second point was that the equalizing of the Customs Law was an attempt to muzzle the press and that is absolute nonsense, Mr. President. You are one can take, when many Members on here have stated that we attempt to make a law that applies equally to everyone as far as possible, and say that making several newspapers equal under the law is muzzling one of them only goes to show you the way certain that the press can create an impression through the power that they have by going to the public with misinterpretations and what must be known to be deliberate misinterpretation of the law.

Some of the newspapers have to pay import duty. They provide a newsprint where the labour is local. They pay import duty on plates, ink, photographic areas of their printing department and the fluids that are used in the machine, and neither newspaper which employs foreign labour should then have an advantage over those who are keeping money within the country.

The best summary of this, Mr. President, if I may read about five lines, came from Mr. Desmond Seales in his public meeting a few weeks ago when he said this - "There is no protection for local products. If you grow tomatoes and you can supply every hotel, every restaurant and every table and every household with home-grown tomatoes in the Cayman Islands, it is very easy to put a heavy tariff on imported tomatoes. If you want to support local industry and you can buy local soap and duty can be affixed to the type which are brought in, then you do so". What a better justification for support for this amendment the protection of local industry. He knows the answer and there we have it.

Mr. President, that summary is so appropriate and so sensible an argument for making all newspapers equal under the law that I need go no further with that, but would just say this in this instance, all the saying goes, "but the wrongs of innocent babes arise solutions to problems", and there in the best of that wrongly runs the truth and the justification for this House making newspapers all equal under the law.

I would hope that all Members would vote for this Bill because if they do not I do not want to hear anything about inequality under the law at a later stage.

Thank you.

MISS ANNIE EULOIN DOPPERT: Mr. President, if I were a thin-skinned woman I would never ever get up to debate anything in this House again however, Sir, we have all been elected here and I pride myself that I am the longest serving Member with the exception of my colleague from North Side.

I remember, Sir, if you are going by Standing Orders, that when any Member should impugn improper motives to another Member he or she is out of order to use offensive or insulting language about other Members. Well that has been done here. I could have gotten up and objected, but I want it to be said of me that I am not an aggressive, hateful woman and consequently I have not said anything. But I do mildly resent these insulting remarks when it comes to the point that you do not agree with everything that is said in this House.

I was sworn into this House on the third day of January, 1963 and I left the Chamber in the old Town Hall anyhow because of the smoke. I have gone from this Chamber on many an occasion

MISS ANNIE ROSANE HUNDER (CONTINUING): and would the right thereof be against me because they think I am an unmarried lady. Well I want these men to understand that they are dealing with no fool when it comes to Annie Huldah Bodden.

Now, Mr. President, I would like to clearly understand in my opinion that if all these high-class native have been omitted from my duty I did not know. The reason I am now using it here is a Philips fan which I paid almost $300 and if that one thousand dollar payment of duty I feel that I paid too much for it. Nevertheless, second-class goods do not appeal to me.

Now, Mr. President, I support these exemptions from duty of the various things, but I want to say, Sir, that I think this newspaper on which duty will be added has come at the wrong time. It is just like a matter which we had in our Church some time ago. The council agreed on a certain member not doing the right thing and he spoke as was asked or threatened to leave his job. I told the church people, although I am not an elder in our church that you must do things at the right time.

Well I have heard it said here that the majority, or minority as the case may be, support these underground newspapers. I buy every newspaper that is published and I have gone so far as to give a donation to the Herald (Miss Annie Huldah Bodden's spouse) and I am not the least bit ashamed of it because freedom of the press is necessary. Why the Herald might write things about me, for what I do not know, nevertheless that is their privilege to write things as they see it regardless of who is hurt. And if they write anything about me that I do not like, I will take the publishers of that to the court house, the same as I have done in the past. I feel, Sir, that this is a free country and we are all privileged to do what we believe is right.

Now I am no lover of Desmond Seales, but I think some very strong things have been said about him and I attribute it to his being a coloured man because people like myself could say first anything and what I said would be said about it. And I resent the insinuation of anything that would bring disorder to our otherwise stable Government. And when we start talking about racial problems, we should be very careful.

Now, Mr. President, I support this Bill, but I do not support that this particular newspaper should pay any duty. This will be added on to the cost of the newspaper – whereas we buy it now for nine, it might go up to 350 and the little bit that the Government would gain would not be worthwhile for any action to be taken by this Government against any individual.

I thank you, Sir.

MR. J. CARLTON EMPEY: Mr. President, I rise to give my support to the Bill before this Honourable House today.

Mr. President, I consider it to be a good Bill because anything that is good for the people of these Islands I support wholeheartedly.

Clause 3 of the Bill, Mr. President, seeks to remove duty from dry cereals. Mr. President, this is something that I know will be appreciated by one and all, the little man and the big man also will appreciate this.

Clause 3 seeks to limit the re-payment of duty on certain motor, musical players and tape recorders valued at less than $100. Mr. President, I also support this wholeheartedly.

While I agree, Mr. President, that we need to do all that we can for the people as far as duties are concerned, if we leave this one let it get out of control we the person of the well highly stated, we would be losing a great amount of revenue that could

MR. J. CARLTON SMITH (CONTINUING): afford them tremendously. Because I seeks to remove from the consumption of duty on newspaper printed overseas for local consumption. Again, Mr. President, I support this. I think that every person in this country or any country should be treated alike. We cannot afford to let some people bring in duty-free goods and others go scot-free. It is like the old saying, Mr. President, "what is good for the goose is good for the gander".

Mr. President, I support the Bill in its entirety. I thank you, Sir.

CAPT. HARRY S. KENNEDY: Mr. President, I rise to support this Bill. I would in particular like to thank the Honourable Mover for his explanation. It has cleared my mind and I hope the minds of most of my constituents.

With regard to the portable radios, I fully understand that if you can afford to spend large sums of money, the little import duty will not make that much difference.

I also appreciate his explanation on the newspaper. I hope that will get that issue to rest and in particular, Mr. President, I would like to thank the Honourable Mover for his statement he made to move an amendment on the Committee Stage to remove kerosene oil duty. This I feel will certainly help the poorer people. I have two years of service and it is gratifying to know that it will be a reality now.

Thank you, Mr. President.

MR. WADDOCK EBANKS: Mr. President, it good to hear who have now and may all spoken for this against you. We are supposed to everything that everyone will be satisfied with and about.

The removal of duty from food commodities year after year we all hoped that the consumer would get the benefit, but in my opinion, Mr. President, it will take a lot (although it should not be so hard now since we are bringing in amendments to deal with everything - when your appetite) and you may get the wish of these committees and the selling price compared to what the public might be getting. But with the 5% or 3% saved on these commodities the shopkeeper will hardly be able to detect the difference with a packet of cornflakes sold at $1 on the shelves now and sold at $1.05 in one weeks time it would hardly be recognizable. But I would hope that the consumer will get the benefit of these commodities. In the shipment the former one down and in the other shop and it do there is not much interest taken and the profits would be so little to the consumer. Nevertheless, with every one cent, if you get enough of those one cents, you get $1.

If I remember correctly, Mr. President, when it was discussed in this House sometime back, not in your time of Office, Sir, with regard to radios and duty-free shops, etc, much of this came under the importation of duty-free shops. At that time I brought in a radio, cassette, record playing and recorder all in one and the price was US$250. I paid the duty on it and I was embarrassed here after similar items were being sold in some of the stores here having been brought in duty-free and the selling price was over CI$600 apart from paying $70 for the specimen. I paid US$250 and paid the duty on that and it is far below CI$600 and the operations came with it.

I brought in a Radiomat once that was on sale from $20 to $15 and I was harrassed and hounded in the customs department and I had to pay duty on that $15. And because I do not support everything that comes to this House, whether it is Government or whether it is an individual, I am walking down the middle line.

I was put here by 300 voters out of my discretion and I am going to continue to do what I feel is right for this

MR. CALDWELL BLOCK (CONTINUING): country. I am not right all the time, Sir, but I will be guided by the dictates of my mind until I am convinced otherwise. And if I was in a party system, I would tell you now, Mr. President, I would not support all the views in any party system.

So get back to the Bill, I wonder how they will determine the ranges that are less than $100? Some of the very small sales could be $150 or $160. I know there is always a way out, but if some of the people in this country and people who are coming to this country were already monitored, there would be a lot of things that would not pass without duty because Mr. so and so knew he did not want anything for nothing.

Mr. President, it will soon be five-thirty and I do not want to break the plane for the adjournment, but I would like to say that I support the amendments to the Customs Bill in every way. I mentioned during the Budget Debate that I was disappointed with Government withdrawing that newspaper as privileged Bill and I hope they will bring it back because I will support it. What is good for one, Mr. President, ought to be good for all. All laws should apply to the Governor in his capacity as head of this country representing Her Majesty's Government and the people of these Islands, the Ministers of religion, the judges of the courts - every law ought to apply equally. So I support the Bill and I would hope and trust that our people, the poorer people, will get the benefit of this. I believe the amendment for the exemption of duty on the Koranic will have come too late because I did not know that was unduly left who had a lamp. Anyway I give it my wholehearted support and I trust then that they will be able to have their lamps a little bit later at night since the duty will be exempted and passed on to those consumers.

I thank you, Mr. President.

MR. BENJAMIN C. EBANKS: Mr. President, I support clauses 2 and 3 in this with my reservation. In fact I am surprised to hear the honourable the hon. of record player and radio for example that came in duty free. I thought that it had to be truly a portable item in order to escape the duty.

With regards to clause 4, newspapers, Mr. President, to the extent that this is not intended to operate to the disadvantage of any specific paper, I can support it. But I have some problem in the, shall I say, practice, Mr. President, because I wonder if this is going to mean every newspaper printed abroad coming into the country since I do not see anybody buying a newspaper that does not contain matters of local interest to him, and I would say predominantly. If I buy the Miami Herald I buy it because the articles in it are of interest to me and if I buy Time magazine I read it and buy it because the matters are of interest to me.

I am wondering, I do not have the suggestion for a better word at the moment, but I am wondering if this word "interest" is in fact the best word we can use to say what we are trying to say here? I am wondering if "of local content" for example would not be a better definition because I can see the question of "interest" posing problem.

I would have to wonder, Mr. President, if we are going to be on all fours and apply the law equally across-the-board, since paper for printing newspapers is duty-free under section 12 whether if we determine that this is a, shall I say, locally originating paper then are they going to be charged on the cost of print (by only or is the paper also the cost of printing)?

Thank you.

MR. SPEAKER: Unless any other Honourable Member wishes to speak, I will ask the promover of the Bill whether he wishes to exercise his right of reply? Perhaps I may say if he exercises it fairly briefly we may manage to finish the Bill before .....

HON. T. C. APPRACOR: I think we can do it by five-thirty, Mr. President. Thank you.

First to say thank you to Members who supported the Bill and the understanding of why certain clauses were put in with the amendments on this Customs Bill.

I think, Mr. President, some Member raised the point concerning what local interest is. I have no legal training, Mr. President, so I leave that matter to the learned Attorney-General, the Honourable Second Official Member, as to whether this is appropriate or not.

In an effort to ensure that I finish before five-thirty, Mr. President, I will right now sit down.

MR. SPEAKER: The motion is that a Bill entitled a Bill for a law to Amend the Customs Law (Revised) be given a second reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

ADJOURNMENT

HON. D. H. FOSTER: Mr. Speaker, I move the adjournment of this House until 10:00 a.m. tomorrow.

MR. SPEAKER: The motion is that this House do now adjourn until 10:00 o'clock tomorrow morning. Unless any other Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. AT 5:20 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M., FRIDAY THE 3RD OF DECEMBER, 1982.

FOURTH SESSION AND
NINTH MEETING OF THE (1983) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD IN
FRIDAY, 2ND DECEMBER, 1983

PRESENT WERE:-

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

GOVERNMENT MEMBERS

HON DENNIS R FOSTER, CMG,OBE,JP	FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS
HON MICHAEL J BRADLEY, ED	SECOND OFFICIAL MEMBER RESPONSIBLE FOR LOCAL ADMINISTRATION
HON THOMAS C JEFFERYS	THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT
HON JOHN C McLEAN	MEMBER RESPONSIBLE FOR AGRICULTURE LANDS AND NATURAL RESOURCES
HON SHARON M ROWLAND	MEMBER RESPONSIBLE FOR HEALTH EDUCATION AND SOCIAL DEVELOPMENT
HON JAMES M DOOLEY	MEMBER RESPONSIBLE FOR TOURISM AVIATION AND PORTS
HON G ALAN DONDON	MEMBER RESPONSIBLE FOR COMMUNICATIONS AND WORKS

ELECTED MEMBERS

MR J CHRISTIAN SMITH	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR D CAMERON FINGER	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR BENSON O PLUMMER	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MISS AGNES BULGIN DONOHUE, OBE	FIRST 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 KENNY S ROMECONDELL	SECOND ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE CAYMAN ISLANDS
MR CRADDOCK EBANKS, OBE, JP	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE

ORDERS OF THE DAY

NINTH DAY

FRIDAY, 2ND SEPTEMBER, 1983

1. GOVERNMENT BUSINESS -

(a) BILLS -

(i) The Insurance (Amendment) Bill, 1983 - FIRST AND SECOND READINGS
(ii) The Trade and Business Licensing (Amendment) Bill, 1983 - FIRST AND SECOND READINGS
(iii) The Elections Bill, 1983 - FIRST AND SECOND READINGS

COMMITTEE THEREON

(i) The Customs (Amendment) (No.2) Bill, 1983
(ii) The Insurance (Amendment) Bill, 1983
(iii) The Trade and Business Licensing (Amendment) Bill, 1983
(iv) The Elections Bill, 1983

REPORT THEREON

(i) The Customs (Amendment)(No.2) Bill, 1983
(ii) The Insurance (Amendment) Bill, 1983
(iii) The Trade and Business Licensing (Amendment) Bill, 1983
(iv) The Elections Bill, 1983

(b) GOVERNMENT MOTIONS -

Government Motion No.10 - Broadcasting of Parliamentary Debates

To be moved by the Honourable Chief Minister

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FRIDAY 2ND DECEMBER, 1983

10:00 A.M.

MR. PRESIDENT: Prayer to be stated.
Proceedings are resumed.

THE INSURANCE (AMENDMENT) BILL, 1983

FIRST READING

CLERK: The Insurance (Amendment) Bill, 1983.

MR. PRESIDENT: The Bill entitled A Bill for a Law to Amend the Insurance Law, 1979 to be deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Insurance(Amendment) Bill, 1983.

HON. T.O. JEFFERSON: Mr. President, I move the second reading of a Bill entitled A Bill for a Law to amend the Insurance Law, 1979 Law 24 of 1979.

The Memorandum of Objects and Reasons, Mr. President, states:-"This Bill seeks to amend section 7 of the Insurance Law, 1979 by extending to Class "B" insurers the provisions of subsection (a). It also seeks to empower insurers carrying on long term business to establish separate accounts in respect of premiums arising in connection with annuity business and life insurance business, and for the segregation of the funds in those accounts".

Mr. President, the law currently addresses the segregation of life funds only in relation to Class "A", that is, domestic insurers. Section 7 subsection (5) provides that long term and general business should be subject to separate accounts or funds, and that the long term funds may be used only in satisfaction of long term liabilities. Several Class "B" insurers have entered the life annuity business and some have sought similar protection under the law to that enjoyed by Class "A" insurers. In one instance, Mr. President, a Class "B" insurer asked that the section provisions might be endorsed on his license. It will be seen that section 7(5) protection is rather limited, it simply places the long term funds as a whole out of reach of any other creditors. The Class "B" insurers dealing in this area are trying to sell their life annuity products in a very sophisticated financial area where complex tax and financial planning are involved.

Potential buyers have the choice of several markets, including that in New York, and one of the major considerations is a potential security of their individual investments. Policies issued in the United States, Mr. President, by U.K. insurers generally enjoy legal security as individual entities, those issued by Cayman insurers do not. Therefore, Mr. President, the gist of the amendment is to allow Class "B" insurers similar treatment as Class "A" insurers, that is, to separate and have segregated accounts when dealing with long term business, such as annuities.

The amendment is a technical one, Mr. President, and perhaps one of the best ways of trying to move the second reading is to say that the Cayman Islands has been launched into the insurance business around the world, and we must constantly be aware of the facilities that are being offered by other territories. The attempt here, Mr. President, is to put the Cayman Islands in a

HON. W.O. JEFFERSON(CONTINUING): communication position with other countries that are offering these types of facilities in the illegal system. Thank you, Mr. President.

MR. PRESIDENT: The question is that a Bill entitled the Bill for a Law to amend the Insurance Act, 1979 be given a Second Reading. The motion is open for debate.

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

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1993

FIRST READING

CLERK: The Trade and Business Licensing (Amendment) Bill, 1993.

MR. PRESIDENT: A Bill for a Law to amend the Trade and Business Licensing Law Revised is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: The Trade and Business Licensing (Amendment) Bill, 1993.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Second Reading of a Bill entitled A Bill for a Law to amend the Trade and Business Licensing Law Revised.

The objectives of this Bill, Mr. President, was already been given in the Budget Address. It is mainly to raise by some of the annual business license by a Hundred Dollars. And, Mr. President, as some looking as means of raising revenue, and taking into consideration that we were changing the legal profession $300.00 per lawyer we thought it equitable to amend the Trade and Business Law in such a way that each professional should pay $300.00; and the gist of this amendment is just that, Mr. President, $300.00 for each professional member of the business. It is a small sum of money, Mr. President, it should cause no difficulty at all.

MR. PRESIDENT: The question is that a Bill entitled A Bill for a Law to amend the Trade and Business Licensing Law Revised be given a Second Reading. The motion is open for debate. Unless any Honourable Member wishes to speak, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE ELECTIONS BILL, 1993

FIRST READING

CLERK: The Elections Bill, 1993.

MR. PRESIDENT: The Bill entitled A Bill for a Law to Repeal and Replace the Elections Law (Cap. 46) is deemed to have been read a First Time and is set down for Second Reading.

SECOND READING

CLERK: The Elections Bill, 1993.

HON. D.J. FOSTER: Mr. President, I beg to move the Second

HON. D.H. FOSTER (CONTINUING): Reading of a Bill for a Law to Repeal and Replace the Elections Law (Cap.45).

Mr. President, on the 21st of June, 1984 I moved Government Motion No.3 which appointed a Select Committee consisting of all the Elected Members of the Legislative Assembly and the Second Official Member as Chairman, to look into the Elections Law and make recommendations for any changes.

Mr. President, the Committee worked hard, we met about six times and they decided rather than to come up with a bunch of amendments, they would produce a new Law embodying the recommended amendments.

Mr. President, the principle changes effected by the Bill are, to increase substantially the periods required for the taking of certain steps in connection with the registration of voters and the conduct of elections; and increase in the number of polling stations when required and the tightening of the security provisions related to ballot boxes, and a general increase in the penalties imposable.

Mr. President, there is not much more I can say about the Bill, Sir, we will have to go through it in Committee stage, and I gathered the committee meetings were well attended, and I would hope that we would get the full support of Members on this Bill.

MR. SPEAKER: The question is that a Bill entitled A Bill for a Law to Repeal and Replace the Elections Law (Cap.45) be given a Second Reading. The motion is open for debate.

MR. CHARLES KELLY: Mr. President, this is only one of the number of laws that are on the Statue Book that needs to be repealed and replaced by new laws. While I, like most Members, I believe, Sir, did not agree or approve of every word of change, nevertheless, it has been done by the majority, which is democratic. It is a democracy of our Government, and there has been some changes, Sir, that I feel that will make the standing and running for elections much smoother and better.

I will not go into this in details, but the section that has been changed where the Presiding Officer would have the casting vote that is election to come down on a tie among two candidates has been changed. Well, if there should be a tie it will be a by-election between those two, because as has been the case, it has not been abused, Mr. President, but no one knows what the future can hold. When you have close friends and probably relatives as in one to vote the vote to break a tie, it would not be fair to any two candidates, so we thought the answer to it would be a by-election and let the electorate vote in favour of the two, and then there would be no misunderstanding, or no grumbling, or no bad feelings with the officer that would break the tie.

There have been, as I have said, a number of such changes that will make the running of an election to be smoother and better, and I do hope that this will find an acceptable place in the hands of the public. They will study this for themselves, and they will know then what they should prepare themselves for when it comes the time for candidates to be nominated. The fee that have been increased from $500.00 to $1,000.00, I do not know whether the vote was unanimous or a majority, and I feel, Mr. President, if any member of the public whether be he or she feels that they can contribute to this country for its good intentions, a thousand dollars should not be too anything for them to find us to them becoming a candidate. They can find the thousands to do anything else that they want to do, so I do not think it should create any hardship or any burden, it was not done to eliminate anybody that wanted to stand for election,

MR. CRADDOCK (Miss Piccadilly): it is still the same franchise and the same free privileges. So while other changes as well, Mr. President as I have said, as they come about, I feel that it will improve the whole election system and that elections would be more effectively carried out when it comes to that time. So I support this new Elections Bill before this House, Sir.

MR. PRESIDENT: Unless any other Honourable Member wishes to speak I shall put the question that a Bill for A Law to Repeal and Replace the Elections Law(Chap.16), be given a Second Reading.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The House will now go into Committee to study a Bill entitled, Bill for a Law to amend the Customs Law (Chapter) and various other Bills all of which have been read for a Second Time.

HOUSE IN COMMITTEE

THE CUSTOMS (AMENDMENT)(NO.2) BILL, 1993
COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. SUBSTITUTION OF ITEM 7.02 OF FIRST SCHEDULE.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, one minor mistake. The word "Final" has got the second letter of it capitalised in the first line, and purely on lay-out, at the second line which reads "Other cereals and grains processed" should start underneath of the word "Dry", to follow the lay-out in the subsidiary law. It is not strictly speaking of an amendment, just a setting out.

MR. CHAIRMAN: I do not propose to amend them as proposed for amendment, they are simply the correction of printing corrections. Does any Member wish to speak on the provisions of Clause 2? If not, I will put the question.

CAPT. C.I. KIRKCONNELL: Mr. Chairman, although the Third Official Member yesterday said that dry cereals really meant cornflakes, oatmeals, rice cripsies etc. I wonder if we could take the ambiguity out of dry cereals and put the words "such as cornflakes, oatmeals and rice cripsies", and make it quite absolutely clear. I was speaking to my office staff this morning, and they said that they would like some clarification in the wording of "dry cereals".

HON. MICHAEL J. BRADLEY: My understanding, Mr. Chairman, Sir, is that dry cereal is a term used in the world trade for certain classes of items. I would be reluctant to put in our Laws propriety names of certain products, but perhaps it could be met by my Honourable colleague, the Third Official Member arranging for an administration circular to be sent out specifying what come on within that category.

MR. CHAIRMAN: I think that might be the better way.

HON. T.C. JEFFERSON: Yes, Mr. Chairman, I think perhaps the best way of dealing with it would be for me to classify to the Collector of Customs exactly what any sensal covers.

MR. CHAIRMAN: And perhaps to the businesss community too. Would that .....

CAPT. C.L. KIRKCONNELL: Yes, Sir. Thank you.

MR. CHAIRMAN: Does any other Honourable Member wish to speak to Clause 3, if not I will put the question that Clause 3 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. SUBSTITUTION OF ITEM 12.02 OF FIRST SCHEDULE.

MR. CHAIRMAN: The question is that Clause 3 do stand part of the Bill.

HON. MICHAEL J. WRIGHT: Again, Mr. Chairman, Sir, just a lay-out of the second line of the newly to be inserted item should start underneath. The sentence with the word "kerosene" at the first should start underneath the word "kerosene", just a lay-out.

MR. CHAIRMAN. Unless any other Honourable Member wishes to speak I will put the question that Clause 3 do stand part of the Bill.

QUESTION PUT. AGREED. CLAUSE 3 PASSED.

CLERK: CLAUSE 4. AMENDMENT OF ITEM 8 OF SECOND SCHEDULE.

MR. CHAIRMAN: I think I received notice of a proposed amendment to insert what would become a different new clause 4. I think it was been circulated to Members. Am I correct?

HON. T.C. JEFFERSON: Yes, Mr. Chairman.
I proposed the committee stage amendment. Notice is hereby given in accordance with Standing Order 52(2), that the Honourable Third Official Member will move at the committee stage of the Customs (Amendment) Bill, the following amendments:

(i) that immediately following Clause 3 thereof there be inserted the following new Clause -

"Substitution of item 12.08 of First Schedule.	4. Item number 12.08 of the First Schedule of the principal law is substituted by the following -
	"12.08 Kerosene, lamp oil ..... Free" and

(ii) by the renumbering of the present Clause 4 as Clause 5".

MR. CHAIRMAN: The amendment actually as circulated, the typed copy, I have got - that is very slightly from what you read out, in the sense first, that it did not go the way, say, 12.03, but I take it that it should say 12.08.

HON. T.C. JEFFERSON: It should say, Mr. Chairman.

MR. CHAIRMAN: ...and secondly, after the word "free" the typed copy I have got closes inverted commas but a semi-colon and closes inverted commas a second time. I think the second closure of the inverted commas is not necessary, but the semi-colon, which you did not read out should be there. Is that correct?

So, I would not read it all out again, but I will invite any Honourable Member who wishes to speak to the proposed that Clause 4 be amended by in effect, by inserting the new Clause 4, which the Honourable Member read out.

MISS ANNIE H. BODDEN: Mr. Chairman,...INAUDIBLE - MIKE NOT ON.

MR. CHAIRMAN: We are not on to that one yet, we shall come on to that later .....

MISS ANNIE H. BODDEN: Thank you, Sir. Right, Sir, right.

MR. CHAIRMAN: because at present is the standing - the proposed amendment which will insert a new Clause 4 dealing with kerosene and it is to that amendment that I am inviting Members. You will have an opportunity in a moment to speak about the manufacture.

Does any Honourable Member wish to speak further about the kerosene amendment, if I may call it that?

CAPT. C.S. KIRKCONNELL: Mr. Chairman, I think one or two things should be done here, either put kerosene or lamp oil or cross out lamp oil and just put kerosene, leave kerosene alone in this Clause.

HON. THOMAS C. JEFFERSON: Mr. Chairman, there is the way it presently stands in the Customs Law; 12.03 Kerosene, lamp oil.

CAPT. C.S. KIRKCONNELL: Mr. Chairman, I am aware of that, Sir, but I still think we could put "or" because we do have kerosene and we do have lamp oil. I would say, if we took out lamp oil, mean that out, it will be no mistake about it.

HON. D.H. FOSTER: Mr. Chairman, no. You will get the best of two words, you will get the kerosene which can be used for lamp oil and anything else and get lamp oil as well, leave it how it is and you will get both.

HON. JOHN B. MCLEAN: Mr. Chairman, I tend to agree with the suggestion of the Chief Secretary, because I think while we have both in there now, the lamp oil for one, I do not think that could be used say for oil stoves but if we have both in it would be doing a double duty. I agree with this suggestion.

MR. CHAIRMAN: I think if it is on the law like this at the moment there would be dangers in changing it without looking very carefully at the effects of the change. When the law was drafted I expect people did look very carefully at all the definitions, and I incline to leave it like that.

Perhaps that I may put the question that the amendment proposed by the Third Official Member for the insertion of a new Clause 4 and renumbering the present Clause 4 as Clause 5 be accepted. Does any other Member wish to speak? I will put the question.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Now I will put the question that the new - that is the amended Clause 4 do stand part of the Bill, and that is the one dealing with kerosene and lamp oil, do stand part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE 4 PASSED.

CLERK: RENUMBERED CLAUSE 5. AMENDMENT OF ITEM 2 OF SECOND SCHEDULE.

MISS ANNIE E. BODDEN: Mr. Chairman, I would like to enquire ...

MR. CHAIRMAN: I think I have another committee stage amendment which I think would be intended to come .....

HON. MICHAEL J. BRADLEY: No, Sir.

MR. CHAIRMAN: No, I am so sorry. I beg your pardon, please carry on you are quite right.

MISS ANNIE E. BODDEN: I would like to enquire if the Miami Herald, the Wall Street Journal, Jamaica Gleaners and other such newspapers, are they subject to duty or will they be admitted free of duty?

HON. T.C. JEFFERSON: Mr. Chairman, they will be admitted free of duty.

MISS ANNIE E. BODDEN: Does this apply only then to special newspapers?

HON. T.C. JEFFERSON: This applies to the newspaper I have mentioned yesterday in the Second Reading. The newspaper that is presently in competition with the other newspapers in the Island.

MR. CHAIRMAN: And presumably it would apply in the future were the case to arise, to any other newspaper which was effectively a local newspaper but printed overseas.

HON. T.C. JEFFERSON: Yes, Mr. Chairman.

MISS ANNIE E. BODDEN: Mr. Chairman, I do not like to be quarrelsome and so on etc., but I am wondering, these newspapers - I have no favourites in any newspaper, I buy them all and if I do not like their contents I do not read it. But with this special one that is referred to, I wonder how is that done. Does it have to be recommended by somebody up and down by the plane and names passages are collected that would in a way compensate to gain some extra revenue, or how is it done? It seems so minute, the little money that will be gained from collecting duty on these papers.

HON. T.C. JEFFERSON: Mr. Chairman, I agree with the Member, perhaps it is more psychological than the monitary terms, so I do not see any real difficulty with that particular newspaper paying the little bit of duty that we are asking them to pay.

MR. CHAIRMAN: Has the Honourable Member an amendment to propose? I think not, no.

MISS ANNIE E. BODDEN: I am just making a few comments, Sir, and placing it in my creation.

MR. BENSON O. EBANKS: Mr. Chairman, I did not prepare an amendment nor circulate it of course, but I am wondering really if this wording is not going to lead to some problems in the future, matters .....

MR. CHAIRMAN: Are you raising the point that you raised during the Second Reading debate?

MR. BENSON O. EBANKS: yes, matters of local interest. I am wondering if the words like "matters of local origin" or something would not be more specific.

HON. G. HAIG BODDEN: Mr. Chairman, I would agree that the word "interest" could be substituted by another word such as "origin", or "subversive" or "happenings" or "news", because a thing can be of interest whether it is local or not. Happenings in, say, Miami or Kingston are of interest to us although they are not local happenings, so we might find a better word than "interest".

HON. TRUMAN M. BODDEN: Mr. Chairman, two points. While I am in the process of making all newspapers equal under the law does not rule predominantly, and I think that that is probably one of the over-riding words in it, they would be something of local interest in other newspapers but can anybody really say that a newspaper such as the Miami Herald has in substance the larger part of it, which is of local interest. And the answer to that has to be no. If Members wish to add further words, then you can always add in the English language more words, but I think what is over-riding is the mention of predominantly matters of local interest, and that I think is clear.

MR. CHAIRMAN: I wonder whether either the Second or Third Official Member have any suggestions to make or whether they feel that the present wording .....

HON. MICHAEL J. McGURR: I feel, Mr. Chairman, perhaps there is a slight difficulty in trying to change the wording to say "predominantly matters of local news". I think if you examine any of the newspapers which are intended for consumption within the Islands, that if you analyse per column inch the items therein that the amount of local news is always in a minority in the paper, whereas if you say "matters of local interest", it includes items which was not news items about here are intended to interest the Caymanian population. And there are certain columns that are carried in our newspapers here at greater depth and length and they might be in the Wall Street Journal. There are weekly articles on religion, there are weekly articles on health, there are weekly articles on various items that are of interest to the community.

I think terminally the wording should remain unchanged. If in practice Members find difficulty with it, I am sure my Honourable colleague would have no hesitation in bringing it back to the House, we are always changing the Customs Law.

CAPT. C.I. KIRKCONNELL: Mr. Chairman, may I suggest, Sir, that the words "matter of local interest" be substituted for, by saying "containing predominantly news of local origin".

MR. CHAIRMAN: If you are seeking leave to introduce an amendment without notice I will be prepared to accept it, but before doing so I would just ask you whether you have considered this point made by the Second Official Member which was that in his professional view a wording of the kind that you suggested might lead to greater

MR. CHAIRMAN (CONTINUING): difficulty than the wording that is now in the draft bill. And it is all going to be a question of what is going to be interpreted or how the wording of the Bill is especially finalised, if it is going to be interpreted initially by Government, and then if necessary by a Court. Because of course, somebody could refuse to pay duty on the argument that the wording of the Law was not such as to empower him to pay it, even though the Customs were asking him to, and then it would go to Court and the Court would have to interpret it. You may feel that you want to be guided by the Second Official Member as to what is the wisest wording in the circumstances, when I think all Members have agreed on what we are intending to achieve. If you were to put forward an amendment it can be debated.

CAPT. C.L. KIRKCONNELL: Mr. Chairman, I was just making a suggestion to get the views of the House.

HON. MICHAEL J. BRADLEY: Mr. Chairman, if Members are unhappy about the present wording of it, the same effect I think could be achieved if instead of the words "predominantly matters of local interest", them were deleted in their entirety and the words substituted "intended principally for sale or distribution within the Islands". Would that clarify it in Members' minds?

HON. JAMES M. BODDEN: Mr. Chairman, I think it is better clarified the way it is now because if we were to adopt what has just been proposed the same thing then could apply to the Miami Herald; I mean when that comes in here, that is for local consumption.

MR. CHAIRMAN: But if I have got it right, the newspapers will have to be produced predominantly with the intention that it would be sold here, and you would not say that with the Miami Herald, or indeed would I think of any other newspaper that was not going overwhelmingly to be .....

HON. JAMES M. BODDEN: When it comes into Customs it is known to be Sir, and it is intended to be sold locally because you are not going to send it back.

HON. TRUMAN M. BODDEN: Mr. Chairman, when it come to the intent, Sir, I would be far happier to stay out of that real difficult area of the Law of somebody swearing an affidavit saying, "I intended this for local consumption". I think it is clear as it is.

MR. CHAIRMAN: Maybe Members will agree that we should pass it a third on the present basis and if in practise difficulty is encountered in most areas of the wording - do not interpret it in the way in which plainly the Assembly intends then we can come back and see if we can find some better wording.

MR. CRADDOCK EBANKS: Mr. Chairman, I am with my main interest in this we should not have any loose that do not include among individuals. So I give my whole support to this amendment, Sir.

MR. CHAIRMAN: Unless any further Member wishes to speak I will put the question that .....

MR. BENSON O. EBANKS: Mr. Chairman, not raising that matter again, but yesterday in the second reading debate I think I asked the question, "how would the duty be charged on this, whether it would be

MR. BENSON O. EBANKS (CONTINUING): purely on the printing of our newspapers is that under a different heading and so on, or whether the paper once printed on now becomes dutiable?" . .

HON. T.C. JEFFERSON: Mr. Chairman, if we start looking at details I think we are going to be here all day. Normally the way in which Customs Import duty makes its assessment for duty purposes is the cost of the item plus the freight, plus the insurance, minus the rate stipulated in the Customs Law.

HON. U.B. NISTER: No. I think when the owner of the Company doing the newspaper and he prints five thousand of them he gets a bill for the job, and whatever that bill says is what he must pay duty on plus the freight and charges.

MR. BENSON O. EBANKS: I think it was equality, but I see where this could be overcoming that the manner having the newsprint printed could supply the printer with a newsprint, in which case he would not be billed for, Sir. So I see where it can work.

MR. CHAIRMAN: So let me try it again putting the question that the new Clause 5, renumbered Clause 4 do stand part of the Bill.

QUESTION PUT: (CARRIED).

MR. CHAIRMAN: Then I think I have been given notice, and I think probably Members have been given notice of a further amendment that is intended to insert a .. Clause.

HON. T.C. JEFFERSON: Yes, Mr. Chairman.
I move a committee stage amendment - The Honourable the Third Official Member to move the following amendment at the Committee Stage of the Customs (Amendment) (No.3) Law, 1983 in accordance with Standing Order 32 - That the following new clause be inserted immediately following Clause 5 -

"Addition of new item to Second Schedule. 6. The Second Schedule of the principal Law is further amended by the insertion, immediately following item number 29, of the following new item -

30. Yachts, launches and other such craft whose length exceeds twenty-five feet measured from the tip of the bow to the stern end of the transom.".

MR. CHAIRMAN: The question is that an amendment be moved for the insertion of a new clause. If I got it right, the proposed amendment as typed and circulated, would that the new clause should be inserted immediately following Clause 4, but in fact it should have said 5, which I think was what the Member read out. It subsequently said, "addition of new item 7 Schedule 4 etc., etc.", it should have said "6 etc., etc.".

HON. T.C. JEFFERSON: Yes, Mr. Chairman.

HON. MICHAEL J. BRADLEY: I think in fairness to my colleague, Mr. Chairman, Sir, he would now anticipate the wishes of the House in passing the .....

MR. CHAIRMAN: I quite understood, the change is consequential on the change to which the House has just agreed or the Committee has just agreed.

MR. CHAIRMAN (CONTINUING): Does any Honourable Member wish to speak to this amendment? So I will put the question that the amendment be agreed.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: And I will put also the question that the proposed new Clause 6 be inserted and do stand part of the Bill.

QUESTION PUT: AGREED. NEW CLAUSE 6 WAS PASSED.

CLERK: A LAW TO AMEND THE CUSTOMS LAW REVISED.

HON. MICHAEL J. BRADLEY: There is, Mr. Chairman, Sir, a small typographic little error in the word "Assembly".

MR. CHAIRMAN: I will put the question that subject to correcting the typographical error the Title do stand part of the Bill.

QUESTION PUT: AGREED. THE TITLE PASSED.

THE INSURANCE (AMENDMENT) BILL, 1984

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 7 OF LAW 21 OF 1979.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I think you have before you notice of a committee stage amendment which I circulated on the 22nd December.

MR. CHAIRMAN: Yes I have.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I beg to move that Clause 2 of the Bill be amended in paragraph 3 thereof, by the insertion immediately before the words "not enforceable with any liability" of the words ",notwithstanding the provisions of any other written law to the contrary,".

The reason for this, Mr. Chairman, Sir, is that whilst there is a general principal that when two laws are inconsistant, the one that is later in time past shall be held to prevail, nevertheless I think it prudent to put in these words because it is the intention I understand of the Honourable the Third Official Member in due course at the next session hopefully to introduce an amendment to the Companies Law which follows on from this amendment to provide for the suppression of accounts and a disposition on a liquidation. The words "notwithstanding the provisions of any other written law to the contrary" I think should after consideration be put into this to make it quite clear that this law prevails, and will be taken into consideration on the winding up of a company.

MR. CHAIRMAN: Does any Honourable Member wish to speak to the proposed amendment, if not I will put the question that the amendment do stand part of the Clause.

QUESTION PUT: AGREED. AMENDMENT PASSED.

MR. CHAIRMAN: Does any Honourable Member wish to speak on the amended Clause 1?

HON. MICHAEL J. ANTHONY: Purely in the art, Mr. Chairman, Sir, small Roman (i) and (ii) in (a) should be slightly indented and the words "and such" at the end should come down to the next line and be put towards the known margin. What would be to make it quite clear that the words "and such" right to the end relates to both small Roman (i) and (ii), whereas if the indentation as is at the moment, Sir, it could possibly be construed only relating to small Roman (ii). It is one of these technical drafting things that whilst it is not altering the wording even reading it you could read it differently if it was put out in the present manner.

MR. CHAIRMAN: Does any other Honourable Member wishes to speak? I will put the question that the amended and typographically corrected Clause 2 do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 2 PASSED AS AMENDED.

CLERK: A LAW TO AMEND THE CORPORATE TAX ACT, 1970.

MR. CHAIRMAN: The question is that the Title do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE PASSED.

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1968

COMMITTEE STAGE

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SCHEDULE.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A LAW TO AMEND THE TRADE AND BUSINESS LICENSING LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE PASSED.

THE NEVIS BILL, 1983

COMMITTEE STAGE

MR. CHAIRMAN: If the Members of the Committee agree it may be convenient if we take advantage of the provision in Standing Orders which enables us to deal with a number of clauses at a time, and I shall invite the Clerk to proceed forthwith.

CLERK: PART I. PRELIMINARY

CLAUSE 1. SHORT TITLE.

CLAUSE 2. INTERPRETATION.

MR. CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate I will put the question.

HON. MICHAEL J. HEALEY: Mr. Chairman, Sir, in this Bill there are a number of small changes in lay-out which I feel with the consent of the House, I would not trouble the House with, but that I could do it directly with the Clerk. For instance, in Clause 2 sub-clause (k) the first line which reads "Where in this Law" should be moved right out to the left to follow the numeral (2). And especially in the Schedules where the setting out lay-out of it needs changes from capital letters to lower case and things like that to make it consistent. I will certainly draw the specific attention of Members to them if they feel it appropriate, but I would certainly draw the attention of Members to any changes even typographical errors but where it is just the moving of words to the left, the changing of lower case to capitals, the putting in of an extra line or dividers, would Members think it fair.

HON. D.H. FOSTER: I think that is a very good suggestion.

MR. CHAIRMAN: I think that is how it is quite normally done, it is left to the Attorney General and the Clerk to manipulate and adjust the lay-out. And if Members agree perhaps we can safely leave it to them this time without troubling to examine each specific point as we go through the Bill.

I will put the question that Clauses 1 and 2 should stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: PART II. ELECTORAL DIVISION AND REGISTRATION OF VOTERS.

CLAUSE 3. APPOINTMENT, DUTIES AND POWERS OF SUPERVISOR OF REGISTRATION.

CLAUSE 4. ELECTORAL DISTRICTS. REPRESENTATION OF ASSEMBLY. FIRST SCHEDULE.

CLAUSE 5. POLLING DIVISIONS.

CLAUSE 6. APPOINTMENT OF REGISTERING OFFICERS, ETC.

CLAUSE 7. APPOINTMENT OF REVISING OFFICER.

HON. MICHAEL J. HEALEY: Mr. Chairman, Sir, very briefly a number of corrections and changes. I (a) second line, the word "administration" should read "administrations" (Hon. D.H. Foster: administrations?) Yes, "ns" instead of "ion". Secondly, on the third line of paragraph (a) there should be a comma after "officers", and thirdly, in the first line of paragraph (b) the word "instruction" should be amended to read "instructions".

In Clause 7 sub-clause (2) the first line the word "Governor" needs to be spelled correctly.

HON. D.H. FOSTER: Mr. Chairman, Sir, may be we better get something clear while we are at the beginning of it, so that when I go to report on it I will know whether to report all these little minor amendments or not, Sir.

MR. CHAIRMAN: I do not think that the House would necessarily want you to report every typographical or punctuation error, I think they would only want you to report any amendments of substance.

HON. MICHAEL J. BRADLEY: It is not unknown in situation like this, Mr. Chairman, Sir, for the Member requesting to use the phrase "with numerous amendments".

MR. CHAIRMAN: Well, if there are numerous corrections, yes. So I will put the question, unless there is no debate, I will put the question that Clauses 3 to 7 as lay-amended and renumbered were ordered do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 3 to 7 PASSED.

CLERK: CLAUSE 8. TAKING OF OATHS.

CLAUSE 9. REMUNERATION OF OFFICERS.

CLAUSE 10. COMPILING LIST OF VOTERS.

CLAUSE 11. COMMENCEMENT OF ENUMERATION.

MR. CHAIRMAN: I will put the question that Clauses 8 ...

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, Clause 8 sub-clause(1) line 4 near the end the word "accordance" is misspelled.

MR. CHAIRMAN: In subject to the views of the House I think simple misspellings could be treated the same way as lay-outs, misspellings and punctuation. Does the Committee want to have notice drawn to any misspelling or error of punctuation, or can we treat that like lay-outs or if there is going to be a substantive change?

CAPT. CHARLES L. MACCONNELL: No, Sir, treated as lay-outs.

MR. CHAIRMAN: I think we can in trust you and the Clerk to make the necessary changes. So Clauses 8 to 11, I will put the question if there is no debate that they stand part of the Bill.

QUESTION PUT: AGREED. CLAUSES 8 TO 11 PASSED.

CLERK: CLAUSE 12. PRELIMINARY LIST.

CLAUSE 13. PROCEDURE AS TO OMISSIONS AND OBJECTIONS.

CLAUSE 14. REVISING OFFICER AND REVISION OF PRELIMINARY LIST.

CLAUSE 15. PROCEDURE ON REVISION OF PRELIMINARY LIST.

CLAUSE 16. REVISED PRELIMINARY LIST TO BE CERTIFIED AND DEEMED REVISED OF VOTERS.

MR. CHAIRMAN: The question is that Clauses 12 to 16 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 12 TO 16 PASSED.

CLERK: CLAUSE 17. FORM OF WRITS FOR HOLDING NOMINATIONS.

CLAUSE 18. NOTICE OF PLACE AND TIME OF NOMINATION.

CLAUSE 19. DEPOSIT.

CLAUSE 20. WHEN DEPOSIT FORFEITED OR RETURNED.

CLERK: CLAUSE 21. CONTESTED ELECTIONS; PUBLICATION OF DATE AND PLACE, ETC.

MR. CHAIRMAN: The question is that Clauses 17 to 21 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 17 TO 21 AT PASSED.

CLERK: CLAUSE 22. POLLING STATIONS.

CLAUSE 23. PRESIDING OFFICERS.

CLAUSE 24. POLL CLERKS.

CLAUSE 25. BALLOT BOXES.

CLAUSE 26. SUPPLIES BY ELECTION AUTHORITY.

CLAUSE 27. POLLING AND COUNTING AGENT.

MR. CHAIRMAN: The question is that Clauses 22 to 27 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT. AGREED. CLAUSES 22 TO 27 PASSED.

CLERK: CLAUSE 28. TAKING OF POLL AND THE BALLOT.

CLAUSE 29. INSPECTION OF POLLING STATION.

CLAUSE 30. WHERE VOTER SHALL VOTE.

CLAUSE 31. RESTRICTION ON VOTING.

CLAUSE 32. INDICATED OF VOTERS IN SPECIAL CASES.

CLAUSE 33. WOMAN TEMPORARILY UNABLE TO VOTE.

CLAUSE 34. PROCEEDINGS AT POLL.

MR. CHAIRMAN: The question is that Clauses 28 to 34 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 28 TO 34 PASSED.

CLERK: CLAUSE 35. WHO ARE TO BE ADMITTED WITHIN POLLING STATION.

CLAUSE 36. GENERAL MODE OF TAKING BALLOT.

MISS ANNIE R. BODDEN: I am of the opinion, Sir, that this ballot paper should be placed in the ballot box by the voters themselves and not handed to the presiding officer. Personally, I have no complaints about it, but the public feels that the voter should hand that ballot paper into the box themselves. I do not know what difference it will make in their estimation, personally I cannot see anything too wrong about it.

HON. O.N. MYLES: What actually happens, Mr. Chairman, is that the voter stays right there and sees the officer put it in the box.

MISS ANNIE R. BODDEN: I am not sure even how the old law reads, Mr. Chairman, but that is the complaint that I have heard from several people, that they do not feel it is right for the presiding officer to put this ballot in the box. It should be handed in by the voter himself.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, the present clause before us is unchanged from the provision now in this respect.

HON. G. MAC BOWAN: Mr. Chairman, it must remain the way it is or the presiding officer would have no means of knowing whether the ballot paper brought back to him had been the ballot paper which he had given to the voter. The presiding officer has put his initials on the counterfoil before giving it to the voter, when the voter brings it back the presiding officer must check to see if his initials are on that ballot paper. The voter has the right to remain and see that the presiding officer does not open the paper to determine how the voter has voted, and also to see that his ballot paper is put in the ballot box. The section says: "The presiding officer shall in full view of the voter and of all present remove the counterfoil and deposit the ballot in the ballot box". So there can be no chance for the presiding officer to throw away that ballot paper or to interfere with it in any way, because the voter remains to see that his ballot paper is put into the ballot box.

MISS ANNIE E. MACNAB: Mr. Chairman, I personally have no grievance about it but I am only saying what has been brought to my attention, because suddenly there are very few people that trust anybody these days. I am not in that category.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, I am familiar with this particular provision in other jurisdictions, and my understanding of it is that its their design to prevent the voter by sleight of hand managing to put into the ballot box slightly more than he should.

MR. CHAIRMAN: That is what I would have thought, and I would have thought perhaps the best safeguard against any sinister apprehension - is a certain amount of publicity at the time to the effect that the law entitles the voter to watch the presiding officer put his vote into the box and that that is the safeguard to the voter and voters should take advantage of it; and if anybody thereafter complains, I think the answer is then is, it is their own fault if they have not watched the presiding officer put it in.

MISS ANNIE E. MACNAB: I have no complaints.

MR. CHAIRMAN: I wonder if you would like to read one or two more clauses.

CLERK: CLAUSE 37. QUESTIONS WHICH MAY BE PUT TO THE VOTER.

CLAUSE 38. MODE OF TAKING BALLOT IN SPECIAL CASES.

CLAUSE 39. ARRANGEMENTS FOR POSTAL VOTING.

MR. CHAIRMAN: The question is that Clauses 36 to 39 do stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 36 to 39 PASSED.

CLERK: CLAUSE 40. DETERMINATION OF RIGHT TO BE TREATED AS AN ABSENT VOTER

CLAUSE 41. WHO MAY VOTE.

CLAUSE 42. WHO MAY BE PRESENT

CLAUSE 43. PROCEEDINGS AT THE CLOSE OF THE POLL.

CLAUSE 44. THE COUNT.

MR. CHAIRMAN: The question is that Clauses 40 to 44 stand part of the Bill. If there is no debate I will put the question.

QUESTION PUT: AGREED. CLAUSES 40 TO 44 PASSED.

CLERK: CLAUSE 45. MAINTENANCE OF ORDER AT POLLING STATION.

CLAUSE 46. INFLUENCING OF VOTERS TO VOTE FOR ANY CANDIDATE.

CLAUSE 47. ELECTION AGENTS.

CLAUSE 48. CUSTODY OF ELECTION DOCUMENTS.

CLAUSE 49. CUSTODY OF BALLOT BOXES.

MR. CHAIRMAN: The question is that Clauses 45 to 49 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 45 TO 49 PASSED.

CLERK: PART IV. ELECTION PETITIONS.

CLAUSE 50. PETITIONS AGAINST ELECTIONS.

CLAUSE 51. PRESENTATION OF ELECTION PETITION AND SECURITY FOR COSTS.

CLAUSE 52. AVOIDANCE OF ELECTION OF CANDIDATE CONVICTED OF ~~GUILTY~~ OF CORRUPT OR ILLEGAL PRACTICE.

CLAUSE 53. AVOIDANCE OF ELECTION FOR GENERAL CORRUPTION, ETC.

CLAUSE 54. TRIAL OF ELECTION PETITIONS.

CLAUSE 55. POWERS OF JUDGE.

MR. CHAIRMAN: The question is that Clauses 50 to 55 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 50 TO 55 PASSED.

CLERK: PART V. ELECTION OFFENCES.

CLAUSE 56. INTOXICATING LIQUOR NOT TO BE SOLD OR GIVEN AWAY.

CLAUSE 57. EMPLOYERS TO ALLOW EMPLOYEES TIME.

CLAUSE 58. OPINION BY ELECTION OFFICERS.

CLAUSE 59. LOUDSPEAKERS, ENSIGNS, BANNERS, ETC. PROHIBITED ON POLLING DAY.

CLAUSE 60. DEFINITION OF BRIBERY.

MR. CHAIRMAN: The question is that Clauses 56 to 60 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 56 TO 60 PASSED.

CLERK: CLAUSE 61. DEFINITION OF TREATING.

CLAUSE 62. DEFINITION OF UNDUE INFLUENCE.

CLAUSE 63. DEFINITION OF PROSECUTION.

CLERK: CLAUSE 64. PROHIBITION FOR BRIBERY, TREATING, UNDUE INFLUENCE.

CLAUSE 65. PENALTY FOR PERSONATION.

CLAUSE 66. INCAPACITY TO VOTE OR TO BE ELECTED FOLLOWING A CONVICTION FOR BRIBERY, TREATING, UNDUE INFLUENCE OR PERSONATION.

MR. CHAIRMAN: The question is that Clauses 64 to 66 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 64 TO 66 PASSED.

CLERK: CLAUSE 67. ILLEGAL PRACTICES AND PENALTIES.

CLAUSE 68. OFFENCES IN RESPECT OF BALLOT PAPERS.

CLAUSE 69. SECRECY OF VOTING.

MR. CHAIRMAN: The question is that Clauses 67 to 69 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 67 TO 69 PASSED.

CLERK: PART VI. MISCELLANEOUS PROVISIONS.

CLAUSE 70. NO OBLIGATION ON VOTER TO DISCLOSE VOTE.

CLAUSE 71. CONCLUSIVENESS OF REGISTER OF VOTERS.

CLAUSE 72. EXPENSES OF ELECTIONS.

CLAUSE 73. COMPUTATION OF TIME.

CLAUSE 74. POWER TO MAKE RULES.

CLAUSE 75. REPEAL.

MR. CHAIRMAN: The question is that Clauses 70 to 75 do stand part of the Bill. If there is no debate I will put that question.

QUESTION PUT: AGREED. CLAUSES 70 TO 75 PASSED.

CLERK: FIRST SCHEDULE.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, two minor points. In the first district the third line refers to "south of Galleon Beach Hotel" whereas in the second district reference says "south of Galleon Beach". I think the word "Hotel" has been inadvertently left in there and it could be deleted. The premises are not now known as that but Members felt that for identification it could still be retained as Galleon Beach in our description.

MR. CHAIRMAN: So the proposal is that the word "Hotel" be deleted in the definition of the first district.

HON. MICHAEL J. BRADLEY: Yes, Sir.

The second point, Sir, is that, and this is a more important point and perhaps Madam Clerk would remind me, but in the second district on the eight line the grid reference is given as

HON. MICHAEL J. BRADLEY (CONTINUING): E 900 etc. whilst in the fourth line of the fourth district the reference which should be the same reference is given as E 90; obviously one of these is wrong, but I do not have a copy of the Chief Surveyor's boundary description with me, but I believe Madam Clerk could assist us. Perhaps Members would be content if I ascertained which of these two is correct? The computer typed copy has the same error, Sir. My colleague has helped me.

Perhaps Honourable Members would be content to leave it to myself and the Clerk to put in the correct number whether it is 9 or 0?

MR. CHAIRMAN: If Members have understood that point, perhaps they would be content to allow the Clerk and the Honourable Second Official Member to ascertain from the Chief Surveyor which is the correct one and to make certain that the two tally.

So the question is finally that the First Schedule be amended by deleting the word "Hotel" in the third line of the description of the First Electoral District and secondly, by correcting whichever of the two figures - E 900 820 and E 900 b20 in the descriptions of the Second and the Fourth Electoral Districts, correcting whichever of these turns out to be incorrect after reference with the Chief Surveyor.

If there is no debate, I will put the question that these two amendment to the First Schedule be accepted.

QUESTION PUT: AGREED. AMENDMENTS PASSED.

I will now put the question that the First Schedule as amended do stand part of the Bill.

QUESTION PUT: AGREED. FIRST SCHEDULE AS AMENDED PASSED.

CLERK: SECOND SCHEDULE.

HON. MICHAEL J. BRADLEY: Mr. Chairman, Sir, in Form No. 1, paragraph (a) of that Form is incomplete. As at present printed it reads - "the enumeration of all persons qualified as voters in (the polling division of) the electoral district will begin on the day of , 19 .". It should go on to say, "and will be completed on the day of , 19 .". The original Forms in the previous Law carried the date of commencement and completion and this is a phrase that has been omitted in the type-setting. "And will be completed on the day of , 19 .".

MR. CHAIRMAN: If I have understood what you said correctly, there should also be a space in the third line after the words ".....district will begin on the (blank) day of (blank) .....".

HON. MICHAEL J. BRADLEY: That is right. I was not mentioning that formally in view of the authority that the Clerk and myself have been given.

So it would now read - "(a) the enumeration of all persons qualified as voters in (the polling division of) the electoral district will begin on the day of , 19 , and will be completed on the day of , 19 .".

MR. CHAIRMAN: Are there any further corrections to the Second Schedule?

HON. MICHAEL J. HEADLEY: Other than the ones that I have gotten authority for, there is one I should mention in Form No. 1, Notice of Claim. The first line says, "To the registering officer of District."; it should read, "To the registering officer of electoral district.".

MR. CHAIRMAN: Anything else on the .....

HON. MICHAEL J. HEADLEY: In Form No. 22, Mr. Chairman, Sir, paragraph 6 says, "That you are not disqualified under the provisions of the Elections Law."; it should read, "That you are not disqualified under the provisions of the Elections Law, 1968.", because hopefully this present Law will be passed and operated to this year.

These are all the changes I have in the Second Schedule, Sir.

MR. CHAIRMAN: Merely then the question is that the Second Schedule should be corrected in the various ways outlined by the Honourable Second Official Member.

If there is no debate I will put the question as to the corrections.

QUESTION PUT: AGREED. AMENDMENTS PASSED.

I will now put the question that the Second Schedule do stand part of the Bill.

QUESTION PUT: AGREED. SECOND SCHEDULE AS AMENDED PASSED.

CLERK: THIRD SCHEDULE.

MR. CHAIRMAN: The question is that the Third Schedule do stand part of the Bill?

If there is no debate I will put that question.

QUESTION PUT: AGREED. THIRD SCHEDULE PASSED.

CLERK: THE ELECTIONS LAW, 1968.

MR. CHAIRMAN: The question is that the Title do stand part of the Bill?

If there is no debate I will put the question.

QUESTION PUT: AGREED. THE TITLE HAS PASSED.

That concludes proceedings in Committee on a Bill entitled: A Bill for A Law to Amend the Customs Law (Revised) and on various other Bills. The House will resume.

HOUSE RESUMED

MR. PRESIDENT: Please be seated.

I understand that the tape is about to run out and as it is my case is the time for our normal mid-morning break, I will suspend proceedings for about fifteen minutes.

AT 11:24 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:57 A.M.

MR. PRESIDENT: Please be seated.
Proceedings are resumed. Secondly - The Customs (Amendment) (No.2) Bill, 1983.

REPORTS ON BILLS

THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1983

HON. T. C. JEFFERSON: Mr. President, I have to report that a Bill entitled A Bill for A Law to Amend the Customs Law (Revised) was considered by a Committee of the whole House and passed with the following amendments -

(i) that immediately following Clause 3 thereof, there be inserted the following new Clause -

"Substitution of item 12.03 of the First Schedule. 4. Item number 12.03 of the First Schedule of the principal Law is substituted by the following -
"12.03 Kerosene, lamp oil ..... Free";

(ii) by the renumbering of the original Clause 4 as Clause 5".

Another amendment, Mr. President, that the following new Clause be inserted immediately following Clause 3 -

"Addition of new item to Second Schedule. 6. The Second Schedule of the principal Law is further amended by the insertion, immediately following item number 30, of the following new item -

"30. Yachts, boats and other such craft whose length exceeds twenty-five feet measured from the clipper bow to the stern end of the structure.".

Those are the amendments, Mr. President.

MR. SPEAKER: This will be accordingly set down for Third Reading.

THE INSURANCE (AMENDMENT) BILL, 1983

HON. T. C. JEFFERSON: Mr. President, I have to report that a Bill entitled A Bill for A Law to Amend the Insurance Law, 1979, (Law 24 of 1979) was considered by a Committee of the whole House and passed with the following amendment -

that Clause 2 of the Bill be amended, in paragraph (a) thereof, by the insertion immediately before the words "are not chargeable with any liability" of the words ", notwithstanding the provisions of any other written Law to the contrary,".

That was the only amendment, Mr. President.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1988

REPORT THEREON

HON. T. C. JEFFERSON: Mr. President, I have to report that a Bill entitled A Bill for a Law to Amend the Trade and Business Licensing Law (Revised) was considered by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE ELECTIONS BILL, 1988

REPORT THEREON

HON. O. A. PORTER: Mr. President, I have to report that Bill for a Law to Amend and Replace the Elections Law (Cap. 36) was considered by a Committee of the whole House and passed with the following amendments -

- numerous typographical amendments and lay out amendments to be agreed upon between the Honourable Second Official Member and the Clerk;
- Clause 75, line 3 in the First Schedule the word "Water" to be deleted; and in the same First Schedule on the same page the grid reference, after the owner information is received from the Chief Surveyor, the correct grid reference is to be inserted in the eighth line down in the George Town district and in the fourth line in the Bodden Town district;
- Second Schedule - Form No.1 that the words "and will be completed on the day of 19 .", be inserted in paragraph (1) at the end thereof;
- Second Schedule - Form No.3 that the word "district" be deleted and substituted by the words "electoral district";
- Second Schedule - Form No.12 that the punctuation and figures ", 1983.", be inserted in paragraph 5 at the end thereof.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

GOVERNMENT MOTIONS

MR. PRESIDENT: Government Motion No. 10 - Broadcasting of Parliamentary Debates.

SUSPENSION OF STANDING ORDER 24(5)

HON. T. H. FOSTER: Mr. President, in accordance with Standing Order 48, I move the suspension of Standing Order 24(5) to enable the Motion to be made, Sir.

MR. PRESIDENT: The motion is that in accordance with the provisions of Standing Order 82, Standing Order 24(5) shall be suspended in order to enable the motion, that is standing in the name of the Honourable First Official Member in today's Order Paper, to be moved.

MR. PRESIDENT (CONTINUING): Unless any Honourable Member wishes to speak, I shall put that question.

QUESTION PUT: AGREED. STANDING ORDER 14(5) SUSPENDED.

GOVERNMENT MOTION NO. 10
BROADCASTING OF PARLIAMENTARY DEBATES

HON. D. H. MORLEY: Mr. President, in accordance with the Committee, powers and privileges conferred upon the Legislative Assembly of the Cayman Islands by the Cayman Islands (Constitution) Order, 1972, the Legislative Assembly (Committees, Powers and Privileges) Law, (Revised) and all other written laws, be it hereby resolved that Radio Cayman, being a broadcasting station operated from within the Cayman Islands by the Government of the Cayman Islands, be hereby authorised to broadcast recordings of the proceedings of the Legislative Assembly as are hereinafter named -

The Appropriation (1983) Bill, 1983 (First and Second Readings);
The Financial Statement delivered by the Honourable Financial Secretary;
The Debate thereon; and
The reply to the debate by the Honourable Financial Secretary.

Mr. President, the Budget Address has already been broadcast twice and the Honourable Financial Secretary's reply once. It is proposed therefore to broadcast the debate by all the Members and probably at the end the Financial Secretary's reply.

MR. PRESIDENT: The Motion is Government Motion no. 10 and is now open for debate.

HON. TRUMAN M. BODDEN: Mr. President, I would like to move an amendment to this Motion and to do so, Sir, under Standing Order 14(5) I wish now to give notice on and to find that there are unanimous circumstances and to permit it. Really, Sir, it would only be to amend the present Motion by adding at the end thereof the following - "Private Motion No. 5" and then on another line, "The Customs (Amendment) No. 2) Bill, 1983" so that these would also be permitted to go on the air.

MR. PRESIDENT: It seems to me that since the Motion itself has been allowed with less than the usual amount of notice, it is not unreasonable to allow an amendment to be moved with less than the usual amount of notice.

I wonder if I could have the ..... I got half the amendment down, but only half. It was to include Private Members Motion No. 5 and .....

HON. TRUMAN M. BODDEN: And the Customs (Amendment) (No.2) Bill, 1983.

MR. PRESIDENT: The Second Reading or what?

HON. TRUMAN M. BODDEN: Yes, Mr. President, the Second Reading.

MR. PRESIDENT: And as I might put the effect of the intention of that amendment is to facilitate the broadcast of these

MR. SPEAKER (CONTINUING): ...additional items by extending this immunity? So it is really a question of whether members would like those two additional items to be broadcast as well.

Do you wish to speak to the amendment, sir, now you are interjecting it?

HON. TRYGVE M. BJORGE: Yes, Sir. We have, Mr. President, for the first time now put the House in a position that its proceedings may be broadcast in full. As I mentioned in the Budget Debate, I do not feel that it is possible to compress an half-hour speech into ten lines; I do not think it is possible for anyone to do that now do I feel that a person's speech should be looked at and someone else decide what is important and what is not.

That really borders on the one objection that journalists constantly have which is the art of journalistic manipulation of articles. They enjoy it and I can well see why press releases that are written for broadcast, which will go out in full, will probably be objected by some people. But if a Member spends the time and effort in this House to speak on a topic, then I feel, Sir, that it should be broadcast in full as we have not put in that Motion.

What I do find, Mr. President, very interesting, if I may refer extremely briefly to an article in the new Law Journal of the United Kingdom which is one of the leading law journals there) where the English recently in 1981 brought in the Contempt of Court Act and two small passages from it go like this, "The Attorney-General has displayed integrity in the use of the Contempt of Court Act, 1981. The Act has not been used to gag the press. If the press showed a similar integrity there would be no need for such legislation. It is regrettable that such integrity does not call restatement.". And the article concluded by saying this, "The future of press freedom lies with the press itself. If it does not begin to show a more responsible attitude in the accuracy of its reporting and more especially in terms of the omission of the discussion in reporting of matters which might tend to create a substantial risk of serious prejudice to the course of justice in legal proceedings, then the law will be changed to protect the right to a fair trial which is also one of the greatest safeguards to our civil liberty.".

That, I think, sums up very tersely the world-wide problem that this Motion clearly gets over. If we have the repetition of an article or a letter or a speech, in full, then this problem will not arise because I feel that the people should know fully what is said in here and not really get small excerpts of it from newspapers, magazines or the radio. And I believe that it will make life easier for the media and for journalists today if they had to sit down and condense it into what they think Members said.

Like I have always said, I am fully for freedom of expression, but I am fully for seeing the truth and nothing but the truth put out and as I have said many times, you cannot repeat a lie and say that you told the truth about a lie because a lie is a lie and there are no truths in lies as there are no right wrongs. And this I think will assist the public. I would have that members of the public should listen to the radio hopefully we will have it on some of the prime times of radio broadcast and they will be able to weigh fully the debates which I think are quite a high calibre in this Legislature compared to many other Legislatures and be able to weigh for themselves fully what Members are saying here, what they agree with, what they do not agree with and I think they will get to know us a lot better in the end for it. So I would support the Motion and I support the amendment, Sir.

MR. PRESIDENT: The proposed amendment I will not read it in full/ adds to additional parts of our proceedings to those listed for broadcasting. Does any Honourable Member wish to speak to the amendment?

HON. G. BIG BOPPER: Mr. President, I summon the amendment and in supporting the amendment to follows that I also support the main Motion.

The Legislative Assembly has taken what I call a very proud step forward, a very progressive move in allowing parts of the debates in the House to be broadcast on the radio.

The amendment seeks to also broadcast two important matters which have been debated in the House during this Sitting. The Private Member's Motion deals with a matter which formed from a very controversial issue which occupied spaces in the newspapers for many months now, which matter also is a public concern be that is involved expenditure of Government funds and was also a hot political issue which caused many letters to be written to the press, many meetings to be held and even a mind shocking situation.

The second matter which the amendment would add to the main Motion is the debate on the Customs (Amendment) No.2) Bill, 1983, which includes in the amended Customs Bill a section which deals with the imposition of duties on newspapers. And here again this has been the subject of some debate. Even in this morning's paper there was a letter from a citizen speaking against the amendment to the Customs Law. I received a letter from the Chamber of Commerce pleading with me to be kind to a particular business and not impose the duty which would cause them so much hardship. Apart from that there was a special meeting, a public meeting, which was aimed solely at influencing the Government in not going ahead with this duty.

But in all of these meetings, demonstrations and letters, we have only seen one side of the story because those who are for it have apparently kept silent. And the trend has been that we seldom see letters praising the Government for any action or in fact offering any congratulations to any person for any success. We seem to see letters that only criticise and which only have negative overtones.

So the publication of important debates in the House, particularly dealing with matters of this nature, can only be a progressive step forward which will give to the public firsthand knowledge of the proceedings in the House and will also let them know how their representatives voted or spoke on a particular matter. Parliament as a whole has matured from the early days the publication of the proceedings and strange enough this anachronism is with us even until today.

In the early days, parliaments were against the Hansard Reports, they were against shorthand writers taking down notes and publishing the proceedings. Today, while some parliaments have radio broadcast and even television broadcast of some of the proceedings, there are still some countries that ban this publication. However, the live broadcast of certain debate carrying every word that was said must certainly give the public a better understanding of what has occurred than a two line paragraph in a newspaper. And even if the newspapers worked to produce fair and accurate reports, the fact is that their reports are so abridged that it would be impossible to give a true account of any particular debate.

One writer has said that press agents belong to a club of which Annias is the Honorary President. That writer was John Hendrick Bang and history teaches us that Honorary Presidents, it is very difficult to expect fair and accurate reporting.

HON. G. BAIG BOWMAN (INDEPENDENT): What is even worse is in a society where the press make no attempt to have fair and accurate reports, but simply report whatever might come to the mind of the biased person who is preparing the report. And so this Motion, together with its amendment, will for the first time in the history of these Islands give to the public a true account of what is taking place in the Legislature.

It is under our Immunities and Privileges Law a criminal offence to distort in any way the proceedings of the House. However, this has been done on many occasion and people get away with it.

I remember once I took the presentation of the House together with a publication and put it down on the editor's desk and said, "This is what I said in the House - this is what your reporter put in your publication.". And his answer was, "If you do not like it, sue us.", although he, himself, could have gone to jail under the Immunities and Privileges Law.

I believe that the full reporting of broadcast will help the press in this country to clean up their act. This will be a watchdog upon them and they know now that when they distort the proceedings of the House, they may look silly in the end if there is enough the threat that the truth will come out.

The Motion before the House, together with the amendment which we hope will be approved, is a bold and a forward step which will give to the people of Cayman the right to enjoy that freedom of expression which is enshrined in the European Convention. Freedom of expression means that a person has the right to say something or to write something, but it also means that the public has a right to listen to what has been said or what has been written, and they have the right to hear the truth rather than merely hearing what somebody else chooses to write.

So this Motion today, if carried, together with the amendment, will be one of the pillars of freedom in this country - a pillar that will ensure that the people in the different electoral districts will certainly hear, firsthand, the debate in the House and so will be able to judge for themselves whether the Elected Members are on the right track. This is not possible in reading a newspaper account which can be distorted in so many directions at the whims and fancies of irresponsible journalists.

I fully support this Motion and I trust that it is only the start to more broadcasts. I would like to see Question Time broadcast; I would like to see all the Debate on all important Bills and important Motions broadcast and I would like to see debates on the Budget Address and the Throne Speech broadcast. I do not think it is necessary to broadcast the Committee Stage of Bills and matters of trivial nature, but I feel that all important matters in the House should be made available to the public. The radio in Cayman is probably the best means of reaching the most number of people.

We may have in our Islands a few people who, because of age or physical incapacities, may be unable to read. We may have some people at work who are unable to read, but certainly all can listen. It has been Hammered that a Gospel of Jesus Christ would have never reached the ends of the earth if it had not been for radio and it is a powerful means of communication and the power of the spoken word far excells the power of the written word as far as influencing people or as far as disseminating information.

So in supporting this Motion today, which I believe it will be approved, this Parliament has embarked upon a procedure which will be of benefit to every individual in these Islands and it will be of enormous good in that it will settle questions in the

HON. G. RAIS BODDEN (CONTINUED): minds of people, questions which are now difficult to settle. I heard a person saying only recently, "I do not know what to believe. I pick up one newspaper and I read one story and I pick another newspaper and I read another story, and when I pick up the third newspaper, that newspaper claims that the other two were wrong.". So this is the stage to which journalism has fallen in this community in that you cannot depend upon the written word anymore. There was a time in every small community when people believed that anything they read was true. Now there are doubts in the minds of people that there is truth in all the statements they read. So this motion, Mr. President, and the amendment will guarantee to the public of Cayman that they will get firsthand, the words of the speakers in this House and if somebody does not like to hear me they can always turn their radio off or turn it to another station, but if those same people would like to know precisely what I said, I would suggest that they keep tuned to the radio and then there would not be all of this confusion.

I had made a list of probably twenty examples in the last three months in which statements were maliciously twisted so as to give an altogether different meaning from what the speaker intended. Hopefully, as far as the Legislative Assembly is concerned, the publication of debates in the House will eliminate the irresponsible journalism that now exists and if it cannot even eliminate it, hopefully it will offer a remedy to the people who have really been the victims of such abusive journalism.

Mr. President, I support this Motion fully.

MR. PRESIDENT: Perhaps before inviting any further Member to speak I would just make one point. I had thought at one stage that we might be able to conclude our business this morning. I am bound to say I now rather doubt that and in any case quite apart from the remaining business that is before the House, I had hoped to ask Members if after we finish adjourning they could be kind enough to wait me patiently for a time. There is something that I would like to discuss with them of which I would like to inform them. I think that will take a little time. I do not therefore see any prospect of completing everything before lunch. If nevertheless Members prefer to continue up to one o'clock and then adjourn, perhaps that is the best.

HON. TRUMAN M. BODDEN: Mr. President, it appears we do have to adjourn and I would say let us adjourn now and come back and get on with it after lunch if that is possible.

MR. PRESIDENT: Adjourn now and get on with it after lunch I sense is perhaps the majority view. Would Members confirm to meet again at two o'clock or two-fifteen?

MR. CRAIGOCK BODDEN: Two o'clock, Mr. President.

MR. PRESIDENT: I sense the majority for two o'clock. I am not even whether that is really right I am not looking over and round. Let us say two o'clock. I think that is long enough and Members this morning have surprised me by speaking to rather greater length than I had expected on two or two of the items we were discussing. They may surprise me again this afternoon, so the earlier we get started the better I would suggest.

So I will now suspend proceedings until two o'clock.

AT 12:22 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:00 P.M.

MR. PRESIDENT: Please be seated.

Proceedings are resumed. Debate on Government Motion No. 10. Hon. Ely ..... I beg your pardon, we were debating the amendment that had been proposed to Government Motion No. 10. Although I did not draw his attention to the fact, I think that perhaps the last speaker was addressing both the amendment and the substantive Motion itself, but technically what we are debating is the amendment to the Motion.

MR. BENSON O. EBANKS: Mr. President, I believe there was a Member on his feet when we adjourned although he had not started to speak, but he is not here so .....

MR. PRESIDENT: Well he had not started to speak so I do not regard him as having sufficiently caught my eye to .....

MR. BENSON O. EBANKS: I will make a few comments on the amendment, Sir.

Mr. President, I am unable to support the proposed amendment. I believe in freedom of the media whether it is the radio or the press, but we have heard a lot in this Question about the responsibility of the press, the manipulation of the news and of journalists and all the rest.

Now when the substantive Motion that this amendment seeks to amend was agreed on in Committee or in informal meeting of the House, the Private Member's Motion and the Customs Bill which are now being sought to be added to the substantive Motion were already circulated they were in existence; Members knew of them. It seems to me that if it was the intention to include those two items in the items of this Session for broadcast, it should have been done at that time. For a Government Member to seek now to amend this substantive Motion to include other matters after they have been determined in the known scheme to me to be an attempt at manipulating the media similar or in a manner worse than what the journalists and the newspapers were accused of during this Session.

I think it should be remembered that this Motion, the substantive Motion, is a specific Motion - it is not a general Motion. It was brought to this House to enable specifically the items listed, that is the Appropriation Bill, the First and Second Readings, the Financial Secretary's statement and the debate thereon and the reply by the Financial Secretary, to be broadcast.

To accept the amendment would be to subscribe to what I consider a very dangerous precedent because Government, with its assured majority in most instances, would at any time get up and say that they are going to have this item on the agenda broadcast once it has been disposed of. I think that what this House should do is to make a clear definition of what we would have broadcast, that is whether we do it generally or specifically and I would hope that it would be generally because to pass specific resolutions for specific items, to me is not a desirable trend at all. It is a dangerous precedent, Mr. President.

As I said of this Motion that is being sought to be added to it now is done as a Private Member's Motion, but I wonder but for the nature of the Motion if it would really have come as a Private Member's Motion at all. The way that I heard it debated, it would seem to me that it could have quite rightly fallen under the ambit of a Government Motion and to bring this amendment at this time

MR. BENSON O EBANKS (MINISTRY): as I said, Mr. President, I cannot support it. I support freedom of the media and I believe that our people have a right to know, but let us put it on all fours and let us go about it in a fair and democratic way. Let us not sneak things in through the back door.

Thank you.

MR. PRESIDENT: Does any other honourable Member wish to speak to the amendment?

CAPT. CHARLES L REDCROSS: Mr. President, I support the Motion and the amendment before the House and I welcome it because I feel that in recent years Radio Cayman has taken a backward step. Ever since the News Bureau became Government's mouthpiece for disseminating the news, Radio Cayman's news is hardly newsworthy. Our listeners to the radio and to our politely managed news. They said they were going to give us all the good news. Anything that is going on across we never hear or expect to hear them on.

I am ordreaming this, Sir, because of the part which the Cayman Islands News Bureau or Government Information Service has played in usurping the news of this country. I am glad that we are getting some freedom from this angle. I think that it is also a progression step forward and I believe it is a constructive one.

Our people will benefit, particularly the people of Cayman Brac and the few people in Little Cayman. They normally get news of what is going on in this Legislative Assembly by radio. Many, many a person have expressed that it is useless now listening to Radio Cayman because they are not reporting anything, so they do not know what is taking place here. So I am glad that at least they will have the opportunity of hearing whatever their representatives may be.

I also hope, Sir, that guidelines will be set not only for this Meeting, but for future Meetings of this Assembly that they too can be broadcast and I would recommend strongly that we include in these guidelines Question Time. In the Houses of Parliament, particularly the House of Commons, particular emphasis is given to Question Time and this is broadcast over the BBC. And as we all know the object of Question Time is to get information or to ask for some action to be taken on a particular issue.

Since I have no dissension or quarrel with the press, nor am I suffering from press phobia, my speech is not going to be too long, Sir. I sincerely hope this Meeting will agree to make this a permanent thing and that sometime in the very near future we will sit down and establish proper guidelines so that all future Meetings of the Legislative Assembly can be aired through Radio Cayman.

I thank you, Sir.

MR. PRESIDENT: Does any other honourable Member wish to speak.

MR. D. DALEY EBANKS: Yes, Mr. President. I want to give my support to this motion and the amendment also. I think it is high time now that Radio Cayman puts on the air the important business of this country and that important business is what is done in this House. The people out there want to know and I think the only way that they are going to get the facts is to get it straight from the horses mouth day by day, Monday by Monday over the radio.

I agree with what the Member for the Lesser Islands said about Members getting together and drawing up guidelines of what will be broadcast and I will support that part too, Sir.

Thank you.

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

MR. J. BARTON SMITH: Mr. President, I rise to support the amendment before this Honourable House today.

Mr. President, Sir, I support the views of the First Elected Member for the Lesser Islands and most of what he has said. I feel, Sir, that this step forward is a progressive one where our people are hear exactly what their representatives have to say in this Chamber - whether it be good or whether it be bad. I also feel, Sir, that all important debates such as the Budget Address, Throne Speech and any other important debates should be put on Radio Cayman so the people can hear the true facts of what their representatives are saying.

Mr. President, I will not deliberate for too long. I just want to say that I support the amendment wholeheartedly.

MR. PRESIDENT: Does any other Honourable Member wish to speak to the amendment?

MR. LAWRENCE FRANCIS: Mr. President, I will be brief and I would rely on the Honourable Second Official Member to clear up what may be the discontent to the proposed amendment, and I will be speaking generally, Sir.

Mr. President, the Cayman Islands have grown and gone in strides in many directions. It is a growing country. The results of the growth and the contents of this country have been achieved by either direct or indirect broadcasting, whether it be by radio, newspapers, word of mouth or whatever.

Being a small territory that it is and the growth that we have achieved, while some do not for the best, I feel that we still have the majority of the good. And to get the good, undoubtedly we get the bad as well.

This time, Mr. President, I feel is ripe. When I was elected to sat over there in the Town Hall and the Clerk of the then called "Vestry" used a notebook to record the Minutes of the Meetings held. There were no disturbances, there were no arguments, there were no controversies, but as time went on and as time changed it reached the stage at one point when I think we had one of the most controversial debates in the history of the Assembly of these Islands in the Town Hall.

Mr. President, for some time Government had been advised that there was a lack of media between Government and the people. The people were not being fully informed to create a closer relationship between Government and the people. A few years ago, two and a half years ago, Government set up a News Bureau and it was all prepared for operation subject to most of the Elected Members. The reason for this News Bureau was to keep the public better informed, with other duties as well, and I believe, Mr. President, that they did a reasonable amount of work promoting the Islands in various ways and forms, but as far as I am concerned, Sir, the public got very little more information between Government and the public with regards to being better informed. Those who follow the radio news day after day never heard anything on the radio pertaining to Government or any Department of Government.

Mr. President, we have a national airline, we have sales representatives in different countries in the world to promote and sell the Cayman Islands; this I am not disputing - I am not disagreeing with that, but I am just trying to reach the point that I want to come to in a short time. The more visitors or people are to be introduced to Canada and come to the Cayman Islands through the

MR. CHADDOCK EBANKS (CONTINUED): representatives in the different parts of the world is for our benefit and that is good enough. We appreciate that and we could not have gotten this done unless we got somebody to tell them about the Cayman Islands and to broadcast the Cayman Islands in their own language telling people that it is a broadcast.

So I said a few days ago when Radio Station Cayman was built, it was built with the understanding that it would serve the people and keep them informed. If I am thinking correctly, Sir, we have advanced and grown to the stage where the radio station can be better used to broadcast the Sittings of the Legislative Assembly in its fullest than some of the programme that they have on the radio. However, we are paying people and we do not expect them to work two hours and be paid for eight, so I suppose I will have to give them wouldn't be formulate some system of programmes to continue the day's broadcast.

This Assembly is a public place. It is open to the public. The public are entitled to come in and listen and go out with their own minds made up. It is the place for the press to come in and make a finding or report to be published, whether it be right or whether it be wrong, good or bad. But if the people, our people, the people of the Cayman Islands are to be truly informed of what this Legislative Assembly is doing and what this Government is doing, the answer to it, Sir, is to let them hear the voices of the twelve Elected Members in all their representation and then they will know. That does not mean, Mr. President, that my behaviour may be so good that you might not ask me to sit down sometime or withdraw some statement. It ought to be the people's privilege to know what is going on to be fully informed about the working of this Legislative Assembly.

I think I heard on the radio a few days ago that some listener in Italy or some other country, picked up Radio Cayman on their set and he said that if he had had a telephone at hand he would have joined in the debate. So it appears, Mr. Speaker, that it must be travelling a long distance. We have our men away from home as seamen on ships who travel within hundreds of miles of where we are and they can well then enjoy the privilege of listening to what is going on in this Assembly when it is in Session.

Since, Mr. President, it is of public interest, the public is entitled to know everything that is said in here and they have the privilege of hearing it by coming in if they want to. We do not have anything in these Chambers to hide from anybody and I am saying, Mr. President, that the Sittings of this House from now on should be broadcast in total, from the beginning to the end in all debates, not only the first, second or third readings and the committee stage on Bills and then the public will understand on the outside what it means to pass laws - the process, the machinery that we go through and how we go about it. What percentage of our people on the outside know the meaning of a first, second and third reading and committee stage? The people do not know. But now they can take the opportunity they ought to be able to now I intend of sitting in their car or on their porch or under a tree with their portable radios to listen to these things, I think they will be a little more educated for the first time.

Many a time I have heard the remark that Bills are brought in and we just say yea to it. Well they do not know who said yea or said no. So, Mr. President, I feel that the Sittings of the House, regardless whether it is one week or two weeks, three weeks or one month, that the radio management ought to be able to regulate the broadcast at so much each time of the day whether it be morning, noon or night for one hour, half and hour, three-quarters

MR. CHAIRMAN EDWARD (CONTINUING): ...or an hour, an hour and a half or two hours. I feel that they could reasonably adjust this in their programmes and when the debate is finished and closed the broadcasts will be closed until the next Sitting.

In my contribution to this Motion, Mr. President, I am asking that consideration be given that the Assembly in its full debate, from the beginning to the end and every phase of it be put on the radio.

I thank you, Sir.

MR. PRESIDENT: Does any other Honourable Member wish to speak to the amendment?

If not I will put the question that the amendment do stand part of the Motion.

QUESTION PUT: AGREED BY MAJORITY: AMENDMENT TO GOVERNMENT MOTION MOTION NO. 10 PASSED BY MAJORITY.

MR. PERCY O. EDWARDS WISHES AGAINST THE AMENDMENT.

MR. PRESIDENT: Unless any Member wishes to speak further to the Motion as now amended, I will put the question that the Motion as amended be now passed. Oh, I beg your pardon, I have not offered the Honourable First Official Member a right of reply. Well firstly does any other Honourable Member wish to speak to the Motion as amended?

MR. PERCY O. EDWARDS: Yes, Sir. I think we are dealing now with the substantive Motion rather than the amendment.

Only to make it clear, Mr. President, that I do not oppose this substantive Motion. I support the public knowing what goes on in this House and I support those Members who say that we should get down to business and decide what will be decided.

My objection was to the principal of ad hoc decisions on what would be broadcast. I fully support broadcasting generally to the people, but let us lay down clear guidance so that the privilege of broadcasting is not abused.

Thank you.

MR. PRESIDENT: Does any other Honourable ..... yes.

HON. MICHAEL A. ANSELMO: Mr. President, Sir, I would be grateful for clarification and confirmation in his reply by the Honourable Mover of this Motion in that it is my understanding of the wording of the Motion as he has presented it, that the words "..... is hereby authorised to broadcast recordings of the proceedings.....", indicated that the Motion is that the entire proceedings be broadcast, not necessarily in one long continuous broadcast, but I mean proceedings as opposed to selective excerpts from proceedings. I wonder whether it is the intention; perhaps my Honourable colleague will enlighten me when it is the intention to broadcast not short excerpts, but in fact the entirety of each speech.

MR. PRESIDENT: I think in fact, if I have understood it correctly, the purpose of the Motion is simply to ensure a maximum immunity on Radio Gibraltar. The Motion does not either initially or as amended contain anything whatever that says how much of the proceedings are to be broadcast. My understanding further is that at an informal meeting with the Housing Committee, I think, all Members of the House were of the opinion that if anything were broadcast it should be broadcast in its entirety and I had certainly myself, we

MR. PRESIDENT (CONTINUING): President, expected to ask the First Official Member to ensure that the wishes of this House were pursued in that regard.

I think further that at that meeting it was decided or it was the view of Members that where particular proceedings were to be broadcast, be it say the debate on the second reading of a named Bill, then the speeches of Members should be broadcast in the order in which they had been delivered in the House so that there should be no question of subsequent changes or feelings as whatever that Mr. A's speech had been given priority and Mr. B's speech had been put on at a very unfavourable time. I had intended also to ask the Honourable First Official Member to ensure that that was done.

I am not quite certain now although I think there were two of them, the second of the meetings between the business Committee and other Members of the House was held, there was agreement reached as to which of the House's proceedings should in future be broadcast. If I have understood it rightly perhaps the view was that we should on this occasion have as it were a trial run and broadcast a number of things. Depending how Members felt this went and how the public reacted to it, a wider remit could be reached, perhaps with the Business Committee putting recommendations to the House before the House's next Session opened and we could then work a kind of consistent dissemination of the kind some Members have spoken of for the future. But all that is really in a sense outside the Motion although I would suggest that perhaps some wider motion on the lines of this one would become necessary if and when the House determined on a future policy regarding which of its proceedings it wished to have broadcast.

I hope that is the correct summary of the wishes of Members. I am in their hands and only anxious to ensure that we follow a procedure that commands general support, whilst on the other hand ensuring that that activities is not of such a kind as to lead to potential further difficulties for Radio Cayman and possible ill-feeling on the part of Members that favouritism had been shown or whatever. In other words I want guidelines for Radio Cayman to be given enough and clear enough that they are not given a measure of discretion and been charged with undertaking it in a discriminatory manner. But I think we are, in order for the moment that is to say, if the proposed motion is approved by Members in a moment I think we are clear what they should broadcast, I think we are clear that it should be broadcast in its entirety and I think we are clear that the broadcasts of any particular motion like a current meeting or like a Private Member's Motion should be broadcast in the order in which Members spoke and that is the instruction I propose to give.

All that said, unless any Honourable Member wishes to speak further to the Motion as amended, I will put the House if he wishes to exercise his right of reply?

HON. O. H. HOWARD: Yes, Mr. President. I think you stated it as quite correctly there. The broadcast started last night Capt. Mabry McKeonnell's, Mr. Norman Bodden's and Miss Annie Bodden's contributions to the budget debate was heard last night and they have been announcing that fact. Charlie McKeonnell's and Mr. Craddock Ebanks will be heard tonight at seven-thirty. I have given them the list and they can get it from the tapes in the order in which Members have spoken.

Mr. President, to say the least, Sir, it is distressing to me to hear that these debates will fill the slots of radio shows. Radio Cayman has tried hard, Mr. President. Their programmes are very good programmes. Not everybody's taste is alike.

Radio Cayman has many nights, Sir, to go

HON. D. K. MILLER (CONTINUING): out and find their own news. It is not the job of the Information Service to supply Radio Cayman with the news that they broadcast. The Information Service, Sir, releases articles and we give them to all the media. We are not stopping Radio Cayman or any of the other media from getting articles wherever they can get them from.

What the Information Service is giving to Radio Cayman and to the media, Sir, is correct information and the information is going there, Sir, and the people are being kept informed. We cannot make up stories that do not exist. We give it to them as we know it. If there is a want of whatever there is, they get it, Sir. Anyway, Sir, I am sure our people will be well entertained now when they hear the proceedings of the House. By the next Sitting Members might want to change their minds about the whole thing.

MR. CRAIGTON EBANKS: Mr. President, a change in that would be to increase it.

MR. PRESIDENT: (Laughter) Far be it for me to suggest to the House that they should now contemplate any retrospective measure, but if broadcasts were in fact put on the air last night I hope that the Immunity we have today conferring any action in them as well. However, the Motion before the House which has been amended is Government Motion No.10; I will not read it in its entirety, but I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 10 AS AMENDED PASSED.

SUSPENSION OF STANDING ORDER 47

HON. D. E. FOOTE: Mr. President, I would like to move the suspension of Standing Order 47 to enable three Bills to be given a Third Reading and passed, Sir. There is a total of four of them, but one has been read a First and Second time before today.

MR. PRESIDENT: The motion before the House is that in accordance with the provisions of Standing Order 47, it should be agreed that we suspend Standing Order 47 in order to enable the Third Reading of the three Bills which had their First and Second Readings this morning as well as the third Bill which had the First and Second Readings yesterday.

Does any Honourable Member wish to speak on that motion? If not I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 47 SUSPENDED.

THIRD READING OF BILLS

CLERK: THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1993;
THE INSURANCE (AMENDMENT) BILL, 1993;
THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1993;
THE NOTARIES BILL, 1993.

THE CUSTOMS (AMENDMENT) (NO.2) BILL, 1983

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for A Law to Amend the Customs Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: I think the Bill was amended so I take it it is the amended Bill that you are ..... and the motion then is that A Bill for A Law to Amend the Customs Law (Revised) as amended shall be given a Third Reading and passed.

If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE INSURANCE (AMENDMENT) BILL, 1983

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for A Law to Amend the Insurance Law, 1979 (Law 24 of 1979) as amended be given a Third Reading and passed.

MR. PRESIDENT: The question is that A Bill for A Law to Amend the Insurance Law, 1979 (Law 24 of 1979) as amended be given a Third Reading and passed.

If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 1983

HON. T. C. JEFFERSON: Mr. President, I move that a Bill entitled A Bill for a Law to Amend the Trade and Business Licensing Law (Revised) be given a Third Reading and passed.

MR. PRESIDENT: The motion before the House is that A Bill for A Law to Amend the Trade and Business Licensing Law (Revised) be given a Third Reading and passed.

If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE ELECTIONS BILL, 1983

HON. D. A. FOSTER: Mr. President, I move that a Bill for A Law to Repeal and Replace the Elections Law (Cap. 45) as amended be given a Third Reading and passed.

MR. PRESIDENT: The motion is that A Bill for a Law to Repeal and Replace the Elections Law (Cap. 45) as amended be given a Third Reading and passed.

If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

HON. D. R. PISTER: Mr. President, just before moving the adjournment, Sir, I think it would be in order for to express my appreciation and gratitude to all the Members of this House for their hard work for the year that is now coming to an end. It has not been an easy year, Sir, it has been hard, but thankfully we have come out on top and we have plenty to be grateful for. And as we draw near to the Christmas season, Sir, I am sure that would wish me to pass on to you and your family the very best for the Christmas season, Sir, and we look forward to a bright 1993.

Having said that now, Sir, I move the adjournment. I move that this House be adjourned sine die.

MR. SPEAKER: Before I put the motion on inviting Members to speak to it, perhaps I could add a word of my own to thank Members for their unfailing courtesy and help throughout this year and this Session. It has been a memorable Session and a memorable year. Members will remember that it was opened by Her Majesty in person and some of from time to time we have unexpectedly had unavoidably a slightly heavy mood from one reason or another, I am sure that all Members will now be looking forward to the Christmas recess and I should like on behalf of myself and my wife and family to offer to all of you our warmest good wishes for it.

If I may now say the motion on the adjournment is open for debate.

HON. ANNIE BROOK HOOLEY: Mr. President, Sir, and Members of this House, I feel that we have had a very memorable year. We have worked hard, we have had disagreements which I regret, but I feel, Sir, that we should all be thankful of all the great privileges we have had of being in this Assembly.

We all look forward, Sir, to the new year 1993 and I hope, pray and trust that 1993 will be no worse a year than 1992 has been. Naturally, I suppose, when Members come those of us who survive and live to see that time that some of us or many will be back here. I might not be, I might be gone to Glory by then, but nevertheless I am praying, every morning I pray, for more unity to prevail in this house. Let us get out of our bigotry hatred and ill-will towards each other and towards people. You know the Bible strictly enjoins us that we must love our enemies. Well I am not sure that I have any enemies, some people's ways I do not like, but as people we must love them and we should get together and talk our differences out and try to make these islands progress. And the way that it can progress is by trying to overlook each other's faults and put forward the good things which we have.

I wish for you and your family, Sir, a very happy Christmas and my kind's richest blessings abide with you and may you continue to serve us long in the faithful way which you have done in the past. And for all the Members I would wish that we will continue to be servants of the public: we are not masters, we are servants and I despise with my weakness as a woman as some people think that I am the least worthy to be in this Assembly. However, Sir, if I do not get back here in 1993 that is if I decide so myself I think that my successor whoever it may be, will do no worse a job than we have done.

Thank you, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think that for the year 1993. I think our little country has been blessed and honoured. We have been blessed and honoured by none other than our Majesty the Queen. It is something I always wanted to have witnessed. I did not think at one stage it would be in my lifetime that she would visit

CAPT. CHARLES L. KIRKCONNELL (INTERJECTING): here, but thank God he opened the way - she came here and all Members have today had the privilege of sitting here and having Her Majesty read the Throne Speech, the one which you so ably represent.

I would like to thank all Members of this Assembly. I would like to say how grateful I am for this Legislative Assembly. It is at these Meetings that we agree to disagree - we do not always see eye to eye, but if we were all of the same mind it would be a dull world.

I would like to say a big thank you to all the Members. I would like to thank them for their consideration. I would like to also thank them for the assistance in helping me and my fellow MLA for the Lesser Islands to get a few dollars more for the year 1994. I do not believe we have sufficient, but I know if we come back here the Members present will be very sympathetic and help us.

I would to say a big thank you to the Clerk and her staff. We would say here done an excellent job. We have been very grateful to her and to Miss Mary for providing us with the refreshments from day to day.

I would like to wish all Members the best for the coming season and I hope that we shall all enjoy a happy and prosperous 1994 together.

I would like to extend to you, Sir, and your wife and family my warmest wishes for a happy and prosperous Yule.

Thank you, Sir.

MR. J. CAMPBELL SMITH: Mr. President, I too want to take this opportunity on behalf of my wife and myself to wish for you and your good wife and all Members of this Assembly, the Clerk and her staff a merry Christmas and may God spare us to be back here in 1994.

I thank you, Sir.

CAPT. ILBERT E. KIRKCONNELL: Mr. President, I would like to take this opportunity, Sir, to wish for you, your wife and family, Honourable Members of this Assembly, the Clerk and her staff, on behalf of the people of Cayman Brac and Little Cayman, and to all in the Cayman Islands I wish a very merry Christmas and a happy and prosperous 1994.

As previous speakers have said, we had an honour during this year, which I think none of us really expected we would have had, so let us look forward to great things in 1994.

MR. CHESLOCK BODDEN: Mr. President, we have come to the end of another milestone. I feel, Sir, that we can be proud of another achievement in reaching the end of another mile.

I personally, Sir, have much to be thankful for and to be grateful for. And I would, Sir, at this time take the opportunity of extending to you as President of this Assembly, the Clerk and her staff who are manned to none, and I extend to all the Officials and Elected Members of this House my gratitude and thanks for being able to work with everyone concerned while I still hold to my own thinking and conclusion to deal with what I feel is fair.

I will not leave this building with any regrets, rancour or any hard-feelings against any Member in this House with what might have happened to have been disagreement.

I wish, Sir, on behalf of myself and my family the best of everything and success and blessings to you, Sir, and all whom I have named and a very happy incoming new year. May God bless the people of this country the way that He has blessed us over the years. I, for one, Sir, and my family have very memorable thoughts of this year 1993. With those few remarks I say again, Sir, God bless

MR. DEODATH RAMNIS (CONTINUING): all the Members and the people of our Islands.

I thank you, Sir.

MR. D. TAITAIN BEAUMONT: Mr. President, today brings us to the close of our Meeting for the year 1983. I want to say that I feel that the year 1983 was a year that we should never stop thanking the Lord for.

We had a beautiful year, Mr. President, but as I said before, to me, I feel like the public the highlight of 1983 was the visit paid by Her Majesty the Queen. I think it may happen again, but if not we have something to go down in the History of our Islands.

Mr. President, 1983 is going out and we, Members of this Honourable House, had our quarrels or disagreements, but looking back at other countries and their problems, ours are so minor, Sir, that they should not be remembered. And I feel that from now on I think we will work even more in harmony in the coming year.

With that, Sir, I wish to wish this Honourable House, especially the Clerk and the staff the best for the coming season and to you, your wife and your family all the best for the season. I pray to God that 1984 will see us all returning here to continue to work for the betterment of our Islands.

I thank you.

HON. JAMES M. HODGE: Mr. President, on behalf of the Elected Members of Executive Council, we would like to extend to you and your family, to our fellow colleagues in the House and their families, the Clerk and staff and their families and the entire people of the Cayman Islands our wishes for a happy and prosperous Christmas and New Year and may God's richest blessings rest on all of you.

Thank you.

HON. BENSON O. EBANKS: Mr. President, I thought the First Official Member had spoken on behalf of all of us, but in manner as usual I am going to have to say something too. So I would just like to add my sentiments to what has been expressed by other Members, Mr. President, thanks to you and the Clerk and her staff for the services through the year and to extend to you, the Clerk and her staff best wishes for Christmas and the new year. That includes all Members of the Assembly and your family, Sir.

MR. PRESIDENT: I thank all of you very much for your kind messages. As I said earlier, my family and I offer you all but the Clerk and the remainder of the staff and their families our very Caymanian warm good wishes both for Christmas and for a happy and prosperous new year.

I think now it is timely that I should put the question from which we have strayed slightly, which is that this House do now adjourn sine die.

QUESTION PUT: AGREED. AT 3:10 P.M. THE HOUSE (ADJOURNED SINE DIE).

MR. PRESIDENT: May I just before closing, remind Members that I did mention may I would be very grateful if they could spare a few minutes for a private meeting and perhaps we could adjourn to the Committee Room.