STATE OPENING AND FIRST MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY, THE 13TH MARCH, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.B.E. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V.G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. J. GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN L. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE H. BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. K.P. TIBBETTS, J.P.	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, J.P.	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ORDERS OF THE DAY

STATE OPENING AND FIRST MEETING OF THE (1980) SESSION
THURSDAY, 13TH MARCH, 1980

1. STATE OPENING (SEE PROGRAMME)

HOUSE RESUMES

2. PRESENTATION OF PAPERS AND REPORTS -

   (a) MINUTES OF FINANCE COMMTTTEE MEETING HELD ON 23RD NOVEMBER, 1979 TO BE LAID ON THE TABLE BY THE HONOURABLE FINANCIAL SECRETARY THIRD OFFICIAL MEMBER.

   (b) MINUTES OF FINANCE COMMITTEE MEETING HELD ON 21ST DECEMBER, 1979 TO BE LAID ON THE TABLE BY THE HONOURABLE FINANCIAL SECRETARY THIRD OFFICIAL MEMBER

   (c) PRESENTATION OF STANDING BUSINESS COMMITTEE'S REPORT - TO BE LAID ON THE TABLE BY MR. D. DALMAIN EBANKS, CHAIRMAN - TO MOVE THAT THE REPORT BE ADOPTED.

3. STATEMENT BY HON. G. HAIG BODDEN RE - COMMONWEALTH DAY MESSAGE FROM THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE CPA

4. GOVERNMENT BUSINESS: -

BILLS -

(a) THE EXCHANGE CONTROL (REPEAL) LAW, 1980 FIRST & SECOND READINGS
(b) THE COMPANIES (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(c) THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(d) THE INSURANCE (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(e) THE INSURANCE (AMENDMENT) (NO. 2) Law, 1980 FIRST & SECOND READINGS
(f) THE ELECTIONS (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(g) THE JUDICATURE (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(h) THE MISUSE OF DRUGS (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(i) THE FIRE BRIGADE (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(j) THE PORT AUTHORITY (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(k) THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(l) THE CUSTOMS (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(m) THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980 FIRST & SECOND READINGS
(n) THE DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1980
MOTION BY HON. G. HAIG BODDEN

GOVERNMENT MOTIONS:-

(a) GOVT. MOTION NO. 1 - APPOINTMENT TO LIQUOR LICENSING BOARD FOR THE LESSER ISLANDS - TO BE MOVED BY HONOURABLE JAMES M. BODDEN
(b) GOVT. MOTION NO. 2 - SUPPLEMENTARY EXPENDITURE - TO BE MOVED BY HONOURABLE FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER
(c) GOVT. MOTION NO. 3- CINEMATOGRAPHIC AUTHORITY - TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER.

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THURSDAY 13TH MARCH, 1980

10:00 A.M.

H.E. THE GOVERNOR: The Assembly is in Session, I shall ask the Rev. John R. Grey to say prayers.

PRAYERS

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

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

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

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

H.E. THE GOVERNOR: Please be seated.

CLERK:

PROCLAMATION NO.2 OF 1980
BY HIS EXCELLENCY THOMAS RUSSELL
COMMANDER OF THE MOST EXCELLENT ORDER OF THE
BRITISH EMPIRE, GOVERNOR OF THE CAYMAN ISLANDS.

WHEREAS by subsection (1) of section 46 of the Cayman Islands (Constitution) Order 1972, it is provided that the session of the Legislative Assembly shall be held at such time and places as the Governor may from time to time by Proclamation appoint.

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I Thomas Russell, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held at the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10.00 a.m. on Thursday, the 13th day of March One Thousand Nine Hundred and Eighty.

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

GOD SAVE THE QUEEN.

THRONE SPEECH

DELIVERED BY HIS EXCELLENCY THE GOVERNOR

MR THOMAS RUSSELL CBE

AT THE OPENING OF THE LEGISLATIVE ASSEMBLY

ON THURSDAY 13 MARCH 1980

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THRONE SPEECH

DELIVERED BY HIS EXCELLENCY THE GOVERNOR

MR THOMAS RUSSELL CBE

AT THE OPENING OF THE LEGISLATIVE ASSEMBLY

ON THURSDAY 13 MARCH 1980

Honourable Members of the Legislative Assembly.

I have pleasure in addressing you again on the plans of the Government for 1980 in this Final Session of the present Legislature before the year's General Elections.

First, however, a look back at 1979.

1979

In his Budget Address delivered on 9 November the Honourable the Financial Secretary, Mr V J Johnson CBE gave members a detailed review of the state of the Colony up to November last year. I intend to examine only the main landmarks and to bring up to date information where end of the year data is now available or where, in the short space of three months, progress and development have been, even in Cayman Islands terms, particularly significant.

THE ECONOMY

Some indicators. Arrivals of visitors by air increased by 30% over 1978 to 100,587 and cruise ship passengers by 31% to 59,030. To match this bed availability also increased by 29% to 2,808. Cayman Airways traffic increased by 37% and the airline operated with an average pay load of 70% during 1979. Land transfers increased by 50% totalling CI$ 34.1 million in value and yielding stamp duty of CI$ 3.2 million, more than 100% above estimate. Planning approvals totalled CI$ 80 million of which CI$ 57 million was for major apartment developments, many of which are under construction. The Post Office handled 7 million pieces of mail in 1979 compared with a record figure of 5.5 million in 1978. Company registration increased by 33% with 2,533 new companies added to the Registry: revenue amounted

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to CI$ 3,638,334 compared with CI$ 2,849,948 in 1978. Bank Registration increased by 42 to 291. 171 ships were registered compared with 89 for the previous year.

This upsurge of economic activity affected Government revenues to the extent that all but one revenue item in the 1979 estimates exceeded the estimated figures. Instead of the deficit of CI$ 613,866 projected in the 1979 estimtates, a surplus of CI$3,288,037 was achieved, CI$3,901,923 better than estimated. This is made up of surplus revenue of CI$4,863,962 less excess approved expenditure of CI$ 962,039. Government reserves stood at CI$ 1.474 million at the time of the last budget presentation and the Capital Projects Fund stood at CI$ 1.106 million. This latter figure has been added to the general reserve giving a figure of CI$ 2.580 million. Even if the sum of CI$ 750,000 is tentatively set aside for possible additional costs of salaries revision the sum of CI$2,538,037 will be available to add to reserves giving a total reserve of CI$ 5.118 million which exceeds the target of 3 months recurrent expenditure.

POLICY FORMULATION AND IMPLEMENTATION

It was decided not to participate in the 1980 Caribbean Census and to undertake this under our own auspices in October 1979. It yielded a total of 16,667 residents and 663 visitors. Immigration policy has been to harmonise the need for foreign workers with an expanding economy and to inhibit recruitment from any one particular country. The Caymanian Protection Board has been encouraged to deal with a backlog of applications for Caymanian Status and in light of pressure on the construction industry approval has been given, in order to meet immediate needs, to bring in up to one hundred semi-skilled and skilled artisans in addition to existing quotas.

It was decided to give top priority to the new prison which should be complete by mid-1980 and in the interim to limit the serving of sentences in Jamaica to prisoners with prison sentences exceeding two years or to nationals of Jamaica sentenced to imprisonment.

In accordance with Government's policy to ensure that franchises for public utilities are fair both to the consumer and to the utility certain aspects of the franchise with Caribbean Utilities for the supply of electricity were re-negotiated yielding benefits for small and large users, some refunds to consumers, restriction of profits by an agreed formula and the right of the

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company to introduce fuel escalation charges without further reference in accordance with an agreed method. A franchise to Cayman Water Company was also given for supply of desalinated water on Seven-Mile Beach while further investigation of fresh water resources is being undertaken to allow decisions on water supply and sewerage during 1980. Discussions with Cable and Wireless on the needs of the commercial sector have led to installation of direct dialling telex and to plans to instal an earth station for satellite communications to provide an alternative to cable international telephone services via Jamaica. The Government is currently studying a submission by the Company for a review of various charges.

In the Agricultural and Natural Resources portfolio policy to make credit available to farmers and businessmen has resulted in the establishment of a Finance Corporation which will be financed by the Caribbean Development Bank for on-lending by the Corporation. An office has been established in George Town. It has been decided to prescribe certain marine parks recommended by the Marine Conservation Board and a proposed Fishing Law to control foreign fishing vessels in the Colony's expanded 200 mile fishing limit is under discussion with United Kingdom. Modern legislation to permit licensing of oil prospecting is also under discussion. To facilitate the hearing of outstanding land appeals, a Land Title Settlement Law allowed a Special Land Dispute Tribunal to be appointed. The policy to be adopted towards certain decisions on Swamp Land is being considered administratively following precedent established by decisions of the Court. This will be decided during 1980 when a decision will also be taken whether to continue the agricultural farm in light of progress. Current experiments in white fly control will also determine future approaches to this pest.

The growth of tourism and the expansion of Cayman Airways equipment, services and network have led to a survey of the facilities at Owen Roberts Airfield by the Canadian Industrial Development Agency to determine the precise needs for aircraft parking, taxi-ways and passenger handling facilities. In the meantime the Cayman Brac airfield is being lengthened, initially using funds from the European Development Fund, with a further 1000 feet to be added at local expense. It has also been decided to lengthen the Owen Roberts airfield by 1000 feet to allow operation of BAC 1-11 aircraft to Houston with full pay loads. Plans to inaugurate a domestic fire service reached culmination by the recruitment and training of staff and acquisition of equipment. A policy decision has been taken to amend the Fire Brigade Law to make the domestic service and airport fire service

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of the same fire brigade, and the Law is also to be amended to bring this under the portfolio of Tourism, Aviation and Trade. It was decided to expand the network of the Department of Tourism and Cayman Airways' offices abroad by opening a new office in Los Angeles. This was done in late 1979 and has already led to promotional fares being offered from several Californian cities in cooperation with National Airlines. The decision to expand Pirate's Week into an annual festival was justified by the effect on tourist arrivals which increased by 39% in October, normally a slack month.

Important policy decisions in the portfolio of Finance and Development included decisions to abandon exchange control for which four bills will be presented to the Assembly at this meeting. A law to regulate and control insurance operations, passed in 1979, paved the way for the appointment of a Superintendent of Insurance which, I am glad to report, has now been made. Unfortunately the local policy decision to expand the shipping registry into a full registry operation, initially agreed in principle by HMG, has been thwarted by wider global consideration, promoted by UNCTAD, of the operation of shipping registries and their ability to control the overseas operations of vessels on their registers. While it remains Government policy to promote a full scale registry with all possible speed it must now be expected that this may not be possible, or if it is, may not speedily be possible. A decision to upgrade statistics, initially in the field of trade and import statistics, but expanding to include population, training, immigration and medical data, has been implemented by the purchase of a Burroughs B80 computer, now in operation.

New policies were introduced for medical and hospital services and for education in 1979 and reconsideration of social services policy was taking place.

In public and community health, meat and food inspection, epidemiological surveillance, water quality control and garbage collection were increased in quality and frequency. Maternal and child health services were improved by expanded immunisation and services at clinics were increased to include genetic counselling as well as family health and family planning services the programme to be completed in 1980. Physical facilities at the George Town and Faith Hospitals have been substantially improved, in particular surgical and service areas. A new Mental Health Law and Pharmacy Law were enacted and a Public Health Law and Regulations drafted. Implementation of the written policies

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in full or in part applies to the out patients and casualty department, use of personnel, consultation with other medical officers, the pharmacy, medical supplies other than drugs, dental clinics, schools, overseas medical treatment, building programmes, various specialised services, fire prevention and fire fighting Disaster Committee and all important facets of medical work and services.

New educational policies suitable for the decade beginning this year were laid against a background of 30 years of universal primary education and 10 years of free secondary education. The most important policy decision was to establish a Middle School on Grand Cayman, initially to embrace a 10 year age group from primary schools and in a second phase form I of the High School Phase I has been implemented as a model of coordinated planning involving the Portfolio, the Public Works Department for construction, the Department of Education and Personnel and Management Division for recruitment and dedicated work by Mr Smith the Headmaster and the staff to establish a new institution within 7 months of laying down the plans. Phase II is to commence this month. The concept will be modified on Cayman Brac to apply to existing schools starting in September. Contemporaneously with the introduction of Middle School education primary education is being upgraded by improved primary school buildings, increasing teacher-pupil ratios, by concentrating on numeracy and literacy and upgrading teaching staff by courses on teaching and administration. Only 5% of the primary teaching staff remains to be professionally trained or replaced. These improvements are being enhanced by the strengthening of supporting field staff, by the expansion of seminars, work shops and specialised assistance for teachers in the primary sector and by the inauguration of local schools broadcasts with the support of a small advisory committee. At the senior level improvements have been reflected by better examination results, particularly marked on Cayman Brac by three students qualified to transfer to the 6th form of the Grand Cayman High School boosting the 6th form roll to 27.

A committee has been formed to make recommendations for social services policies, expected to come into effect in 1980. This includes a minister of religion, three representatives of service clubs, two members from the private sector sitting with government members. The policies will embrace aid for the needy, improvement of water and sanitation facilities, relocation of poor families in better houses, a meals on wheels programme jointly with service groups, the establishment of alcoholic and drug clinics and a programme for pre-school and day care centres. A separate committee is reporting on sports and cultural activities.

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These policies are designed to secure greater coordination of the many and laudable activities undertaken by the National Council of Social Services, by the Government, service clubs and other private sector agencies. Despite the absence of a Social Development Officer during 1979 the Executive Committee of the National Council of Social Services has achieved good coordination and created a strong sense of purpose. The pre-school and Light House School projects were continued, the latter enhanced by a skilled teacher appointed by the Government in September. A new venture, the "Caring Cousins" scheme got off to a good start and 53 "caring cousins" were linked with 85 "needy cousins". Planning of a Home for the Aged advanced by donations of land, money and services, and funding by Government to complete Phase I in 1980 to accommodate the first 15 persons. Fund raising was promoted through the annual Family Fair Day and a new concept, a Radiothon, which raised more than $10,000 in one day. Bonaventure House, originally a Rotary Club project, was strengthened by the addition of an alternate Teaching Parent and the support and interest of Boys Town Nebraska which has taken in four boys at an estimated cost to that institution of US$ 80,000. Bonaventure House has a special place in the heart of Caymanians and residents and the boys themselves are its best advertisement. The routine but demanding work of the Government's social welfare and probation service has gone ahead at enhanced levels in 1979. While there was a slight decrease in case studies and juveniles appearing before the court probation cases increased by 33%.

I cannot leave this topic without paying special tribute to the Steering Committee of the International Year of the Child. With the motto "Our Heritage, the Children" the Committee planned monthly programmes to emphasise child care, education, legal rights and problems such as drugs and poor nutrition. A highlight of the various competitions organised was the success of a 7 year old Bodden Town boy whose drawing was judged to be the best entry for UK and Dependencies and was exhibited in the UNESCO world competition judged in Paris last May. Funds raised during the year will be used for an Adventure Play Ground for children in George Town.

PHYSICAL IMPROVEMENTS

It is a pleasure to pay tribute to the Public Works Department for outstanding performance in 1979. As remarked previously the planning and prompt construction of the Middle School reflects great credit on the Department and the known fact that there are several refinements still to be made should not detract from this. The Department carried out road work exceeding

CI$ ¼ million in all districts and constructed a sea wall at Hog Sty Bay. The extension of Cayman Brac airport was begun, maintenance was carried out at all government schools, 14 Government quarters and 7 Government offices and institutions. The prison was well advanced by the year's end and the George Town hospital casualty rooms, operating theatres, quarters for the night duty doctor and the expansion of the central sterile area were completed. The Directional Beacon at Cayman Brac Airport was installed and a reservations office for rental to Cayman Airways was constructed at Owen Roberts Airfield. On Cayman Brac two steel frame buildings were completed, one finished to high standards as a Civic Centre and one as a Customs Freight Shed. In all the capital works programme exceeded CI$ 1.5 million.

TRAINING

While the new buildings constructed by the PWD or the private sector give us cause for pride, the advancement of Caymanians through training to positions of responsibility, the promotion of human resources, brings even warmer satisfaction. A Caymanian is now Director of Broadcasting; another is at an advanced stage of training to succeed the Director of Civil Aviation. There is a Caymanian surgeon, a fully qualified and experienced civil engineer, several doctors already qualified, Barristers at Law and accountants both in the public and private sector and an increasing number of young graduates who are making their skills felt in a range of Government departments. Nor is this limited to the public sector. Cayman Airways, the meteorological service, dentistry, the legal profession, insurance, wholesale and retail business and shipping, banking and the hospitality industry are all showing a healthy development both in quality and numbers of locally trained personnel. The Government has assigned its total allocation of funds from the UN Development Programme to overseas training for 1980/83. In addition local funds in excess of CI$ ¼ million have been allocated in the 1980 budget for award of scholarships and advanced training of teachers. Gratifyingly the private sector has buttressed this effort by offering scholarships in specialist fields. The Roy West Trust Company, Bank of America, Cayman National Bank, Barclays Bank International, First Home Savings and Loan Ltd and the Bankers Association are among leading benefactors.

Training overseas is however expensive and sometimes the skills gained are not wholly relevant to the needs of the Colony. 70 persons including 10 from Cayman Brac, were trained in the Hotel School in front desk procedures, the skills of a waiter, bar tender or cook and in sales management. The Marine School opened in May 1979 with the availability of a training ship the "Marine Protector" and under the management of highly qualified staff. Training is given to qualified students as 3rd engineer

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and 3rd mate with negotiations now going ahead to enable external examinations to be held in March. Extra curricular classes for fire fighting and first aid have also been held and negotiations with various local and overseas shipping companies are likely to lead to arrangements whereby cadets can accumulate sea time between courses. An important role of the school is to offer upgrading courses for Caymanians already at sea and four seamen have already enrolled. Encouragingly requests for information about the Marine School have come from elsewhere in the Caribbean and as far flung as Nigeria. Plans were formulated during the year to improve training in trades and technical subjects in a building school to be opened in 1980.

Within the civil service overseas training has been continued in statistics and computer studies, audit and finance, fire fighting, as police recruits and specialists, in air traffic control, in aircraft engineering, electrical engineering, surveying, planning, customs work, postal services, teaching services, nursing, medical and dental technology and public health.

CAYMAN AIRWAYS

This vigorous little airline might well adopt the motto "Nothing succeeds like Success". Despite its emergence in 1976 as an airline with no aircraft, virtually no assets and little money in the bank, it has, with the active encouragement and financial guarantees by the Government, become the operator of two BAC 1-11 aircraft, a DC6 freighter, and the recently acquired Trislander aircraft for inter-islands service. As proof of its managerial and organisational skill it has on three occasions survived crises without breaking service; on the occasion of LACSA's withdrawal of its BAC 1-11; on the termination of the arrangements with Air Florida and on the withdrawal of Red Carpet Airlines from the Grand Cayman/Cayman Brac service. With escalating passenger traffic in 1979 increasing 37% over 1978 and a high average of 70% occupancy the airline is demonstrating its capacity for performance.

Despite a modest 9% increase in air fares in 1979 - and, in step with other airlines serving the Cayman Islands, possibly another unavoidable increase in 1980 - the airline is faced with steadily increasing costs of fuel, labour and materials. Directors took a decision to meet the additional traffic demand, to provide for projected growth in 1980 and adequately to provide back-up services, to purchase the second BAC 1-11 aircraft and were successful in including the purchase prices of both aircraft in one general refinancing package offered by the Royal Bank of Canada.

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To improve income and spread direct operating costs the second aircraft must have its utilisation increased and additional flights to existing destinations and flights to new destinations are now being studied, with several new routes applied for.

The public have a right to watch the financial future of the airline as they do a Government Department as substantial government guarantees amounting to US$ 10 million are involved. While difficulties were experienced in producing the last audited accounts because of the complexities of the take over from LACSA and the period when Air Florida was leasing an aircraft and providing various services, there is no reason why regular annual audited accounts should not be produced in future. The Directors are responsible to the Government, the shareholders, for the efficient operation of the airline and for prudent financial management. The annual accounts provide the monitoring mechanism to ensure the Government and the public at intervals that the guarantee remains a contingent liability for the Government and nothing more than a contingency. 1979 has been a good year.

SOME OTHER AREAS OF PROGRESS

The Public Library in George Town was renovated, restocked and recatalogued with the help of volunteers, to whom the community owes thanks, and a grant from the British Council.

The United States Oceanographic Office completed a hydrographic survey of our coastal waters and adjacent deep sea areas. The survey included an environmental assessment of the North Sound, recommendations on aids to navigation and some aerial photography to obtain bathymetric soundings for the shallow waters in the sounds. This survey is of inestimable value and has been carried out largely at the expense of the United States agencies, the staff of which have been of the highest calibre and excellent ambassadors for their country. At the same time the Institute of Nautical Archaeology sponsored by the Texas A & M Foundation and other institutions completed a survey of historical wrecks in Little Cayman as the beginning of a programme embracing the three islands. From findings on the sea bed and a study of archives in England and Spain Mr Roger Smith, the Archaeologist in charge, hopes to augment knowledge of our early history.

Concerned Caymanian youth rescued the 1980 Agricultural Show by forming a new steering committee when their elders were backing out - a development speaking both in favour of the young people and the future of agriculture.

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Despite the rising standard of control expected by the public, increased risk of resistance and rising cost of chemicals, the best levels of mosquito control so far were achieved by the Mosquito Research and Control Unit. Undoubtedly this reinforces the argument for pressing on with physical control measures the success of which can be measured by the reduced incidence of mosquitos on the West Bay peninsular where physical control is complete. A small reinfestation of Aedes Aegypti, the yellow fever carrier,was quickly identified and eradicated, speaking highly of the level of efficiency of the MRCU, which the public has come to appreciate.

The Legal Department prepared 34 pieces of new legislation during the year, 23 pieces of subsidiary legislation and carried out the work of revision of the laws. Many new laws related to improved business and commercial matters and some others related to health.

Police stations were refurbished or constructed at North Side, West Bay and Bodden Town and two police patrol boats were purchased, a 22 ft Acquasport and a 31 ft Bertram, and brought into service. Traffic accidents slightly decreased in number but driving irresponsibility and speeding remain matters of acute public concern. The small Traffic Branch whose members have often to leave their substantive duties to attend court proceedings cannot by itself ensure road safety and is entitled to the cooperation of motorists and the general public. The total number of criminal cases increased slightly but reported burglaries reduced by 10% and offences against property by 2.3%.

120 drug arrests resulted in 90 convictions. Compared with other countries the crime rate is low and is being contained.

Radio Cayman now operates 17½ hours a day except Saturdays and Sundays with one hour less and is covering 70% of operating costs from revenue. Tribute is due to Mr Roy Dunlop MBE who as Director was the notional architect and builder of Radio Cayman and who retired at the beginning of 1980.

180 acres of land were cleared with aid of heavy equipment leased by the Funding Scheme to farmers.

As a dependency the Cayman Islands have no embassies abroad and are represented by the United Kingdom Government. Nevertheless, the offices or agencies of Cayman Airways and the Department of Tourism in Miami, Houston, Toronto, New York, Chicago and Los Angeles are bringing a wider awareness of the Cayman Islands and what we have to offer in the United States and Canada. In

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addition, visits by Parliamentarians, government officials and other representatives were made to New Zealand, Montserrat, Barbados, British Virgin Islands, the Bahamas, Turks and Caicos, Jamaica, England and the Dominican Republic. When our main industries, tourism and off-shore finance, are international in character it is important to appear international in outlook. Miss Cathy Bodden, Duke of Edinburgh Gold Medallist visiting Australia, Miss Cayman 1979 taking part in the Miss World competition in England and visits by service and sporting clubs abroad help in a spontaneous way to promote this image.

SOME AREAS OF CONCERN

There were three disappointments during 1979 and it says much for the state of the economy that these have been taken in mid-stride: the ban by United States authorities on imports by Cayman Turtle Farm; the inability of Cayman Energy Ltd to proceed with construction of an oil terminal on Little Cayman and the likelihood that we shall be obliged to shelve our plans, at least in the immediate future, for a full scale shipping registry.

The ban on the import of turtle products from a closed-cycle farm operation which now draws nothing from the wild is difficult to understand, and seems both impossible to justify and contrary to natural justice. The farm has offered to pay for observers from the United States authorities which have imposed the ban to be stationed on the farm to inspect and monitor operations This offer has not been taken up with the result that some pseudo-scientific hearsay testimony appears to have been preferred to first hand evidence by scientists with inside knowledge. Blatant untruths are reported to have been told about the farm being used as a front for export of wild turtle products impugning not only the management of the farm but the good faith of this Government. Finally the Member of this Assembly responsible for Agriculture and the Managing Director of Cayman Turtle Farm Ltd were denied the opportunity at a conference in Washington formally to rebut emotive and inaccurate allegations. Consequently the major agricultural industry in the country, the largest individual employer after the Cayman Islands Government and the major exporter of the Colony has been forced to reduce its operations to a level at which continued viability must remain a matter of conjecture. According to press reports, wild alligators, an endangered species, continue nevertheless to be slaughtered in Florida and Louisiana.

The plan for the oil terminal on Little Cayman was far advanced in financing, design and construction at the time of the Iran revolution and President Carter's speech on Energy and restriction of United States imports of oil. The uncertainty

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of the supply position, and in the meantime progress with Louisiana Offshore Oil Port (LOOP) which had commenced construction, have frightened the chicken, the oil companies required to sign long-term throughput contracts, and addled the egg, the financiers required to provide the money.

The boom in real estate transactions and construction of apartments has brought its immediate problems, availability of labour, availability of materials and availability of land for development at economic prices. There is little doubt that high costs of coastal land must affect the viability of hotels, which we require, limited to a proportion of the site in area and to four storeys in height. Availability of labour and materials is a short term problem which can be solved but as a community we shall have to face in the future the different ratio of visitors to local residents which the dramatic increase in apartments will create. It is estimated that a further 630 apartments with a potential of 2500 extra beds are being constructed. This will yield a total of 5308 beds. With average length of stay 4.4 nights this means that there could be a ratio of 1 visitor to 2 residents at any given time and a potential of 440,300 resident visitors per annum. The effect on transport, food supplies, water, sanitation entertainment facilities and amenities, restaurants, parking facilities and policing will require careful consideration.

The increase in weight of numbers is also, as it is elsewhere, leading to some reduction in standards of accommodation and services, inflation, and according to some visitors' reports, of rudeness and anti-foreigner remarks. Scarcity can lead to overcharging or take-it-or-leave-it attitudes. The Cayman Islands are a leading Caribbean tourist resort because of the excellence of the facilities, the friendliness of the people, the quiet pace of life and a rural sea-side atmosphere. In creating a different environment, at least on parts of Grand Cayman, we should examine how best to preserve the main attributes of the country and its people so that we do not chase away those whom we wish and need to attract.

ACKNOWLEDGEMENTS

I have mentioned the debt owed to some of the organisations in the private sector. Let me acknowledge too the part played by our vigorous churches through their moral leadership and spiritual guidance; the service clubs for their selfless response to the needs of society in so many fields: health, housing, care of the old and the young, the needy and the castaways; the Garden Club, the Drama Club, The Visual Arts Society, the Inn Theatre, the Red Cross Society, the Agricultural Society and the sporting clubs,

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the rich tapestry of organisations into which is woven so many active and imaginative individuals and which patterns our society with richness of colour and activity. I have said something of Government plans for education and the Government schools. In the particular kind of society which we have it is not surprising that there are private schools of high standard and during the year the International College of the Cayman Islands secured accreditation in the United States enabling it to award recognised degrees and to associate in its programmes with recognised American universities and institutions of higher learning. Let us not forget too, the part played by a vigorous press in promoting ideas, explaining policies, keeping us in the world and making us known to the world outside.

I pass now to the year 1980.

1980

I propose to cover Government's plans and policies for the year in order of portfolios of Government Departments and subjects.

First: HEALTH EDUCATION AND SOCIAL SERVICES

Construction of Part I of the Home for the Aged will shortly be commenced. A counselling team from Boys' Town Nebraska is expected to visit Bonaventure House. The Committees on Social Services and Sports and Cultural activities are expected to report their findings shortly to the Member.

An additional garbage dump site will be acquired on Grand Cayman and genetic counselling will start in clinics in George Town and Bodden Town, which will also embrace family health, education and family planning. The new childrens' ward at George Town hospital will become fully operational and the new surgical unit will be brought into use. The Out Patients unit will be renovated to include a Triage Room. Laboratory and laundry facilities are to be expanded and a canteen service begun. The construction begun at the Faith Hospital on Cayman Brac includes operating and recovery rooms, dining room for patients and staff, and renovation of delivery room, laboratory and X-ray units will be completed. The new Public Health regulations covering communicable diseases, food and rodent control will be made. A rodent control campaign is being started and will be rigorously pursued.

Construction of Phase II of the Middle School will start this month and some improvements carried out to the existing buildings. The Middle School concept will be introduced to

/ Cayman Brac

Cayman Brac schools in September 1980. A diploma course in school management will be started for heads of all primary schools in September. Supporting field staff for primary schools will be strengthened by appointment of a school nurse, a counsellor and a peripatetic librarian. An infant block is to be constructed at Bodden Town. Two general classrooms are to be constructed at the Creek Primary School and one classroom at West End Primary School on Cayman Brac. Social studies and Science are to be added to the subjects covered by the National Achievement Tests this year, and it is expected that 1980 tests will indicate improved performance at Primary 5 level especially in language, arts and mathematics. It is hoped to obtain specialist assistance in schools broadcasting during the year. With the transfer of Form I of the Middle School in September the Cayman Islands High School will begin its reorganisation as a Senior High School by introduction of new courses in the lower 6th form. While a strong academic programme will be maintained for university-bound students a new one year programme in commercial and technical studies will be launched to provide the local job market with more mature and better qualified school leavers. It is relevant that in the UK consideration is being given to the issue of a new certificate for this category of school leaver. A major educational building programme is due to start to provide a library and administrative offices and industrial art classrooms on Cayman Brac. Those who have visited the Cayman Brac High School will realise that industrial art is one of the school's strongest features and that the existing classroom was built through the joint efforts of the industrial arts teacher, Mr Eddie Scott with a vigorous Parent/Teacher Association. Canteen facilities and certain major repairs are to be completed at the Cayman Islands High School. Further education is to be expanded by extending the Community College to Cayman Brac High School and offering certain subjects at primary schools in Grand Cayman. Private schools which cater for 31% of the total school population will receive assistance totalling CI$40,000.

AGRICULTURE AND NATURAL RESOURCES

A report on Water Resources is expected from Richard Dumbleton and Partners, Consultants retained by Government, in the last quarter of 1980. Thereafter policy proposals will be brought to the Assembly for water and sewerage. If the problem is to be tackled resolutely both as a protection for future generations and a stimulus to investment substantial outlay of public funds over a period will be necessary. It is, however, perhaps the last area of significant public expenditure to bring these islands up to the full standards of older developed countries.

/ Legislation

Legislation to provide marine parks and a Fisheries Law will be brought forward later this year. The Marine Archaeological project will be continued. New charts for all coastal waters will be issued and put on sale. The residual problems stemming from the Cadastral Survey including Swamp Lands will be resolved. The Mosquito Research and Control Unit will continue physical control work and research on conch and lobster should be further advanced.

Re-siting of the Lands and Survey Department will be planned possibly in conjunction with the Planning Department. The first licences for oil exploration are likely to be issued.

COMMUNICATIONS WORKS AND LOCAL ADMINISTRATION

A new Post Office will be planned for construction at a later date. Meanwhile essential new letter boxes will be added. The Philatelic Bureau is to be improved. Attention will be given to the staffing of the Government Funding Scheme which has been depleted by 25%. Funds are being sought from the Caribbean Development Bank to re-construct roads in major sub-divisions and to improve and construct agricultural feeder roads. Cayman Brac Airfield runway will be extended to 6000 feet and the road at the end of the present runway diverted. The new work programme includes:-

- Playing field construction or improvements at Bodden Town, Savannah, East End, West Bay and other primary schools with improvements to the Cayman Islands High School.

- Improvements to various government offices and institutions to a value of CI$360,000.

- Construction of new government offices on Cayman Brac to a value of CI$ ½ million.

- Improvement to roads on Little Cayman and Cayman Brac.

- Renovation of Town Halls at George Town, West Bay and North Side.

- Completion of Phase I of the new prison.

- Construction of a school for the Handicapped.

- Construction of Phase II of the Middle School.

- Construction of new dock facilities on Cayman Brac to a total cost of CI$ 1.25 million.

- Expansion of Owen Roberts airfield runway.

Cable and Wireless expect the new Satellite earth station to be opened in the third quarter of the year.

TOURISM AVIATION AND TRADE

Civil Aviation:

A new standby generator and incinerator will be installed. Three local Air Traffic Control Operators will be trained to supplement insufficient and hard-pressed staff currently in employment. A new fire engine will be installed at Cayman Brac and the apparatus there reconditioned for stationing on Little Cayman. A new building to house the Administration Staff of Cayman Airways is under construction for lease to the national airline. It will be completed by mid-year. The runway at Owen Roberts Airfield will be lengthened to 7000 feet and a new airport lighting system will be installed. Decisions will be taken by the end of 1980 following completion of the feasibility study on the future development of the airfield and its facilities. It is hoped to acquire Little Cayman airfield as a Government airfield during the year.

Tourism:

The flow of visitors from the West coast of the United States is expected to increase significantly in 1980 following the opening of the Los Angeles office. Airline schedules to Texas will be increased possibly to 7 flights a week from mid-year. A representational office has been opened in Munich and European visitors are expected to increase. A team from the Department of Tourism will visit Berlin to promote winter visits for the 1980/81 season. A request has been made for a British Naval Frigate to participate again in Pirate's Week from 25 October to 1 November.

A 15% increase of visitors by air is projected for 1980 contingent upon the oil situation, global crises and current levels of economic activity in North America. Marketing in Europe is designed to off set a possible recession in the Americas but the new markets in Texas and the West Coast should offset any losses from hitherto traditional markets.

Training:

A two year full-time Assistant Manager's course will be instituted at the Hotel School and a one year full-time professional cookery course. Ten week part-time courses will be run for hotel accountants and seven short term craft courses inaugurated. The planned throughput if students come forward is for 112 on part-time courses and 22 on full-time courses of study. The Marine School will continue with its current curriculum and current level

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of enrolment.

LEGAL ADMINISTRATION

The Department, which has been operating with only 50% of qualified staff will be brought up to strength by a Crown Counsel who will assume duty this month and a Legal Draftsman who should be at post by mid-year.

Legislation planned for 1980 includes:-

The Public Health Bill
The Pensions (Amendment) Bill
The Fisheries Bill
The Supplementary Appropriation 1979 Bill

INTERNAL AND EXTERNAL AFFAIRS

Police:

Patrolling by the new police Bertram patrol boat will be put on an organised basis. A committee has been established to recommend how road safety and traffic can be improved and the Traffic Department will be strengthened. A recruiting drive to bring the force up to its new establishment will be undertaken shortly. The Commissioner, Mr S A Greiff QPM CPM,completes his third tour of duty in April and has elected not to renew his contract. I should like to pay tribute to him for his upgrading of the police force, and for his incessant but successful battle against crime as the annual statistics show.

Prisons:

A Prison Adviser is being recruited to supervise the completion of the new Prison, assist with the recruitment and training of staff and organise detailed procedures and instructions to staff. When Phase I of the new prison is completed the male prisoners in George Town prison will be transferred to it and accused sentenced to imprisonment after the completion date incarcerated there. Phase II which includes a further male block and a female block will be begun in 1981 when it should be possible to bring back prisoners who are serving sentences in Jamaica to the Cayman institution.

It is proposed to transfer responsibility for the Prison from the Commissioner of Police to the Member for Education and Social Services when the new prison is occupied.

/ Civil Service:

Civil Service:

The Report of the Salaries Review Commissioner is expected to be received later this month and will be processed with all possible speed.

A number of capable qualified officers left the civil service to join the private sector in 1979 and it is hoped that revised salaries will arrest this trend and attract a greater number of qualified school leavers into the service.

Mr Harwell McCoy, the senior Principal Secretary, who has acted as Chief Secretary on occasions and has served as a temporary member of Executive Council and of the Legislative Assembly retired at the end of January after 33 years of service. He was a very knowledgeable and popular figure and his wife is also due to retire later this year. I extend to both of them the best wishes of this Assembly for their retirement.

FINANCE AND DEVELOPMENT

Census:

The Census Report is expected to be published next month. A few of the available results are already of interest. Of the 15,000 residents on Grand Cayman 7,617 or 50.78% live in George Town. There are 1,021 households in Bodden Town compared with 989 in West Bay where the population per household is 4.02 compared with 1.56 in Bodden Town. There are as many restaurant bars (6) as churches in East End and nearly one quarter (100) of the 452 households on Cayman Brac are vacant. Only in West Bay and Little Cayman are there more men than women. One hundred and thirty different nationalities have been recorded and those holding gainful occupation permits come from forty different countries.

Aid:

The Cayman Islands has never received grants in aid of recurrent expenditure from the United Kingdom Government and has a high reputation for prudent financial management and living within its income. Since separation from Jamaica it has received capital aid, some assistance for staff recruited in United Kingdom, and aid for consultancies and other forms of Technical Cooperation.

All capital aid, except for a small carry over of approximately £240,000, the estimated balance from previous loan projects to be applied to the completion of the prison, will cease after 31 March 1980. A small reducing amount of technical cooperation funds will be allocated by the United Kingdom for the next three years:-

/£100,000

£100,000 in 1980-81
£ 75,000 in 1981-82
£ 50,000 in 1982-83

This will be wholly taken up with commitments to fulfil existing staff contracts in the first year, and thereafter will permit a small number of key officers to be re-engaged on Overseas Aid Scheme or Technical Cooperation terms under which they presently serve.

The present levels of revenue and reserves have made it impossible for the West Indian and Atlantic Department of the FCO to justify continuance of aid, an increasingly scarce commodity, for the Cayman Islands to the Overseas Development Administration except for the limited amount of technical cooperation funds quoted. We have fought hard to retain this but Honourable Members should be proud rather than sorry that they are financial masters in their own House.

No country can, however, finance large capital projects designed to last for many years out of recurrent income. The end of United Kingdom aid does not mean the end of prudent borrowing. In light of the decision on United Kingdom capital aid a team led by the Honourable The Financial Secretary and including the Honourable Member for Communications Works and Local Administration visited the Caribbean Development Bank in Barbados and secured agreement in principle that the Bank would be willing to lend, subject to satisfactory applications, the sum of up to US$ 6 million within the next three year period to finance the dock facilities on Cayman Brac, a roads programme for the three islands, and part of the costs of a new terminal building at Owen Roberts Airport. Other possible sources of finance in addition to local banks are the European Development Fund and Canadian aid agencies.

Revenue Prospects:

Revenue collection for January and February 1980 exceeded that for the same two months in 1979 by 25% (CI$6,792,448 compared with CI$5,417,984). As in 1979 it is likely that the revenue estimates will be exceeded and the capital programme is such a size that despite all our endeavours there may not be capacity to complete it all. Projections are for an amount of excess revenue plus an amount of under expenditure to be credited to the general reserve. With reserves already exceeding CI$ 5 million the preservation of the country's present fiscal structure - without income tax, company tax, capital gains tax, inheritance tax - becomes a financial as well as a political certainty.

/ Insurance

Insurance:

Financial policy can be summarised by the Army maxim - Reinforce success. Tourism has not been allowed to take its chance of growing. Growth has been planned, and considerable sums have been spent on opening up and preserving markets, on recruiting of skilled staff and advertisement. Banking and company formation has been attracted by the right kind of legislation, providing for a delicate level of control by Government but not to such a degree that it is unattractive or oppressive to the industry. It is Government's hope that the Insurance Law will add a further service to the international business community and that the industry will show growth in the next few years to the level that it makes a substantial contribution to the economy.

CONCLUSION

Honourable Members, I have attempted to summarise the highlights of 1979 and to give some forecast of plans and policies for 1980. Members of Executive Council, responsible for portfolios, will no doubt use the opportunity which the debate affords to add information, correct the emphasis, or to explain to the House what needs further description.

1980 is election year. Honourable Members can go to the Polls with a record of many achievements and with an impressive financial turn-round. But, in the end, it is their personal relationships with their constituents and their individual records which may determine the composition of the next Assembly. As in 1976 I can only go as far as to say that I hope, for the continuity of Government and this House, that there is not a complete change of Membership: but at the Polls the sitting Member and his antagonist are equal candidates and it would be improper for me to wish individual members success. It is for Caymanian voters to weigh their choices well.

Despite the distraction of the election I have no doubt that Members will continue to guide the ship through any shoals ahead in the coming year and to provide the quality of counsel and statesmanship which have led this small country to its enviable levels of prosperity, stability and harmony.

I pray that with Divine Guidance Honourable Members will continue to follow the high standards of public service set by their forefathers and establish new norms of effort and achievement for future generations to emulate.

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

BE IT FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL MONDAY, 17TH MARCH, 1980.

SECONDED BY: CAPT. K.P. TIBBETTS.

QUESTION PUT: AGREED. DEBATE ON THE THRONE SPEECH DEFERRED UNTIL 17TH MARCH, 1980.

HOUSE SUSPENDED

HOUSE RESUMED

MINUTES OF FINANCE COMMITTEE HELD ON 23RD NOVEMBER, 1979 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the Minutes and Report of Finance Committee, which meeting was held on the 23rd November, 1979.

The purpose of the meeting was to consider a number of Supplementary Expenditure applications covering four departments of Government to a total sum of $47,524.00. This will be the subject of a Government Motion at a later stage to seek the authority of this Honourable House for those expenditures.

MR. PRESIDENT: So ordered.

MINUTES OF FINANCE COMMITTEE HELD ON 21ST DECEMBER, 1979 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the Minutes and Report of Finance Committee, which was held on the 21st December, 1979.

Mr. President, the purpose of this meeting was to consider a proposal regarding the salaries of Civil Service, and this was considered by the Legislative Assembly and approved, and the additional expenditure as a result of this recommendation will also be presented at a later stage by a Government Motion.

MR. PRESIDENT: So ordered.

BUSINESS COMMITTEE REPORT - LAID ON THE TABLE

MR. DALMAIN D. EBANKS: Mr. President, I move that the Report of the Business Committee be laid on the Table.

SECONDED BY: MR. GARSTON J. SMITH.

MR. PRESIDENT: So ordered.

MR. DALMAIN D. EBANKS: Mr. President, I move that the Report be adopted.

SECONDED BY: GARSTON J. SMITH.

QUESTION PUT: AGREED. COMMITTEE'S REPORT ADOPTED.

STATEMENT BY HON. G. HAIG BODDEN - RE. COMMONWEALTH DAY MESSAGE

HON. G. HAIG BODDEN: Mr. President, the statement which I am about to read was prepared by the Honourable Ripton MacPherson, who is this year the Chairman of the Executive Committee of the Commonwealth Parliamentary Association.

It is customary that every year on Commonwealth Day such a message is sent to the Branches of the Commonwealth Parliamentary Association. The statement reads:-

> It seems appropriate that a Commonwealth Day Message has afforded me the first opportunity of communicating with all the Branches of the Association since my election in New Zealand as Chairman of the Executive Committee of the Commonwealth Parliamentary Association. It is an honour to be able to serve in this capacity and I look forward to working constructively with all Branches throughout the Commonwealth.
>
> Over the years, the Commonwealth has evolved into a major international organization with a membership of forty-two sovereign states. Not surprisingly therefore, its functions and activities have increased significantly and its role in international affairs has received great recognition. The relationship which has developed among its members is of inestimable value, not only because of the shared experiences and the consultative nature of the relationship, but also because of the practical nature of Commonwealth co-operation and its concern for matters with which we can all closely identify.
>
> Within the Commonwealth, there is continuous wide-ranging inter-governmental co-operation in such areas as education, health, youth, law and various forms of technical assistance. It is, however, the special responsibility of the Commonwealth Parliamentary Association to actively encourage the growth and development of appropriate Parliamentary systems within the member states of the Commonwealth.
>
> The Association therefore warmly welcomes Norfolk Island, and the return of Bangladesh, Ghana and Sawziland to its membership and hopes that in the very near future, it will have the pleasure of receiving delegates from Nigeria and Zimbabwe-Rhodesia at its Conferences.
>
> As we observe the occasion of Commonwealth Day, it is my deep belief that this group of nations with its time-honoured traditions, rich diversities and strong sense of community will continue through its Parliamentarians to inspire and provide leadership in the pursuit of new co-operatives and mutually beneficial relationships among states of the international community.

HOUSE SUSPENDED AT 12:05 P.M.

HOUSE RESUMED AT 2:30 P.M.

THE EXCHANGE CONTROL (REPEAL) LAW, 1980
FIRST READING

CLERK: The Exchange Control (Repeal) Law, 1980.

MR. PRESIDENT: The Exchange Control (Repeal) Law, 1980 is deemed to have been read the First time and is set down for Second reading.

SECOND READING

CLERK: The Exchange Control (Repeal) Law, 1980.

HON. V.G. JOHNSON: Mr. President, the purpose of this Bill is to

HON. V.G. JOHNSON (CONTINUING): repeal the Exchange Control Law Revised. This means that the Cayman Islands is now proposing to abolish the long existing Exchange Control system which operated here in the Cayman Islands for many years.

Exchange Control was first introduced by the United Kingdom Government early after the second world war. The main purpose for exchange control was because of the big war debt which Britain had accumulated during the second world war, and there was need to control money supply in the country to ensure the country's ability to meet commitments as they arose, and therefore it was thought that there should be restrictions on residents moving funds outside the country. Because in those days many of the Commonwealth countries which were known as scheduled territories administered sterling on behalf of the United Kingdom Government, it was necessary by request of the British Government to extend the use or the administration of exchange control in these many countries.

In the initial stages the Cayman Islands operated under the Jamaica Exchange Control Law, which was extended as in the case of many other Laws of that country to the Cayman Islands. In 1966 it was seen necessary because of the development of the financial industry in the Cayman Islands to adopt our own Exchange Control Law to suit conditions in the Cayman Islands and to suit the need of the Island in its development as a financial centre. This was done, and the Exchange Control Regulation Law came into effect during 1966. Recently, it has been through the revision of the Law, renamed "The Exchange Control Law (Revised)".

Mr. President, in 1972 Britain excluded all the scheduled territories outside of exceptionally few that was Gibraltar and the islands of the British Isles from the provisions of the English Exchange Control Law. At that time it was left entirely up to the rest of the former scheduled territories to administer Exchange Control if they saw fit to do so. An exchange control then meant control of the local currency movements abroad. The Cayman Islands looked carefully at the need to continue administering exchange control, and quite frankly we could find no justification to do so, and it was thought that the abolition of the system would enhance the financial operation of the Islands. As a result of that thinking this Government approached the British Government with a request that they examine the possibility of abolishing exchange control in the island, and to advise whether in the opinion of the British Government it was expedient and profitable to do so. The British Government sent someone down to carry out a study, and the result was, that the British Government agreed with the views of the Cayman Islands that it was in the best interest to abolish exchange control.

I remember at the time a member of the Bank of England who conducted the survey said that he wished that the British Government was also in a position to abolish exchange control. Well, this was from back in 1973.

The reason why this Government did not follow the recommendation at that time was because it was not fully satisfied that there was sufficient justification to remove exchange control at that time, and so it was thought that a bit more time should be spent on looking at the effects, although we appreciated very much the views of the British Government.

In 1978 this Government reviewed the position again, and at that time it was seen without doubt that it was in the best interest to abolish exchange control, and this was put forward in the Budget Address about two years ago. Well, the Government would have persued the matter before today, but one snag arose, and that was, had we abolished exchange control without looking at the effects of its entire operation here the Government would stand to lose a good bit of revenue by the process.

Over the years the Companies Law was amended to provide for a third category of company which was known as a non-resident company. And while a company could be designated as such, whether it was

HON. V.G. JOHNSON (CONTINUING): exempt company or whether it was an ordinary company, the fact that many of the ordinary companies were designated non-resident, meant that they were paying a higher fee as such, and if we had removed exchange control then they would automatically revert to an ordinary company and pay a lower fee, and by that process the Government would stand to lose a good bit of revenue.

It was decided then to delay the process of suspension or abolition until when we could get around this snag. The thing is, that we wanted to retain what non-resident companies there were and to provide some other provision under some other law whereby we could continue designating companies non-resident as a special class of company within the meaning of the Companies Law. Well, this has just been done, we have found a way out, and this process is being done in a package of four laws. One is the repealing of the Exchange Control Law, the other is an amendment to the Companies Law to redefine a non-resident company; the other is an amendment of the Local Companies Control Law whereby companies may be designated non-resident under that Law in the same manner as it was done previously under the Exchange Control Law, and thereby retaining that category of company paying the same fee as the present non-resident companies pay now. And the other amendment is to the Insurance Law, which really has no bearing on the abolition of exchange control, but it refers to a non-resident company, and the amendment there is to redefine a non-resident company in the latest amendment under the Companies Law or the Local Companies Control Law.

Mr. President, I said that the British Government had carried out the survey, and after the survey was conducted the British Government recommended to this Government that we go ahead with the suspension if we so wish. Well, I explained the reason why this was not done. It was the opinion that the removal of exchange control from the Cayman Islands would have economic advantages. For one, there would be greater confidence in the Cayman Islands as a financial centre, because there would be freedom in the movement of money in and out of the country, therefore a greater freedom in the movement of money will automatically enhance the economy. It would provide greater attraction to people to use the Cayman Islands as a financial centre, and at the same time this would create traffic, it would enhance business and the entire economy would profit from it.

In any case, Mr. President, it is always the view that where there is freedom, where the individual's wealth is concerned, that is, when he can take his money and spend it as he likes, to move it in and out of the country without restrictions, the country profits greatly from this. From the earliest days that exchange control operated in the Cayman Islands the Government had placed no undue restrictions on persons using their money for whatever purpose it was needed. In fact I think exchange control operated here more liberally than any other country that I know of where it operates.

At the same time, Mr. President, there are a few who would think that the removal of exchange control in the Cayman Islands would not be very healthy for the status of the local currency, because as the United States dollar is used quite extensively here that people would tend to use that foreign currency in preference of the local dollar. But the thing is, that the Cayman dollar is the legal tender of the Cayman Islands, and while the United States dollar may be used here, yet it is not the legal tender, and therefore in all transactions we are bound to quote the Cayman dollar if it is to carry the status as the legal tender. It is thought that people will still perfer to use the Cayman dollar for ordinary purposes, shopping and the rest of it, and we have no fear, Mr. President, that the status will be jeopardised to any great extent. Naturally, the removal of exchange control will have much influence on the United States dollar here, but even if the circulation drops somewhat I still think that the benefit which would be derived from a free system and the use of currency here, will more than offset any loses which would be suffered from the reduction in the size of the circulation.

HON. V.G. JOHNSON (CONTINUING):

Secondly, Mr. President, I must advise this House as well that there are the views of bankers, that while they support the abolition of exchange control it is not really the most suitable time to introduce the free system. And this is because of the big difference between the interest rate on the Cayman dollar and that of the United States dollar, they believe that this will generate speculation, switching from one currency to the other, and for instance, those people who are now enjoying the facility of Cayman dollar loans will perhaps find that their interest rate will rise because of this specualtion.

Well, the Government's view about this, is that regardless of what time exchange control is suspended or abolished in the Cayman Islands it is bound to affect some individual in some way, and it is a matter of when we abolish the system. The next view of the Government is that from 1973 this had been studied and it was agreed that exchange control should go. And since the Government has now completely approved of this being done that we should go ahead and recommend this to the Legislative Assembly. But I think in all fairness I should have mentioned this to you, that there is this fear by the bankers of this speculation.

Mr. President, I have no doubt that the people of these Islands will support this measure, while some may not like it in the offset, I think the time will come when everybody will agree that it was a wise move. Late last year the British Government decided to do the same thing themselves, and this surprised the entire world because Britain is the last country we would expect would have taken that step to abolish exchange control. However, they did it, and the effect of it was greater from the British Government's point of view because immediately it displaced about seven hundred people who worked in the exchange control section of the Bank of England. Some had to be repositioned in the banking section, some went and sought positions in the private sector and many others were put on early retirement. It was the view of bankers there at the time that it would be a difficult period for the British Government to operate without this long established exchange control system.

However, I was speaking to bankers from London quite recently and they seem to think that it went well, everybody has appreciated the action by the British Government, and there is really nothing to complain about. Well, if that can be the view of the British people about the suspension or abolition of exchange control, I think we are in a position to accept this in a similar attitude.

Mr. President, as I said, this is a package of four laws being presented to effect the abolition of exchange control; the first one is the Exchange Control (Repeal) Law, which will remove and abolish the operation of exchange control in the Cayman Islands. The second Law is an amendment of the Companies Law which will re-define a non-resident company, and it will say that a non-resident company bears the meaning ascribed to that term in the Local Companies Control Law. The other amendment is to the Companies Law, again to re-define a non-resident company and referring to it as a company designated as such under the Local Companies Control Law. And the other Law as I mentioned is the Insurance Law which referred to a non-resident company, now it is re-defined to also refer to a non-resident company as that referred to in the Local Companies Control Law.

Now, Mr. President, one of the important aspects in the abolition of exchange control is the ability to maintain a non-resident company paying the same level of fee as hitherto. This has been done by an amendment of the Local Companies Control Law, and there the Financial Secretary will be authorised to designate a company non-resident, and such a company would be able to operate offshore in the same manner as one that is designated under the Exchange Control Law. And then there are certain controls if anyone is aggrieved with the decision of the Financial Secretary to designate or not to designate a company. A Company designated non-resident under the Local Companies Control Law would not

HON. V.G. JOHNSON (CONTINUING): be permitted to participate in local business, it will be purely an offshore company.

Mr. President, I would appreciate Members of this Honourable House looking at this proposal, at the grounds for the repealing of the Exchange Control Law and to decide whether in their opinion the recommendation is reasonable. I think this has been proven beyond any doubt of Government that it should be done. And as I said, that while there are some who think it might have some adverse effect in the outset I am sure that in the long term it will produce benefit to the country. And so I recommend the Law to repeal the Exchange Control Law (Revised).

QUESTION PROPOSED: DEBATE ENSUED.

HON. JAMES M. BODDEN: Mr. President, I personally think that it is very wise for us to make this move, it is a move that my colleague from Bodden Town and myself have been pushing for for several years, and the only regret I have on it, Sir, is, I believe in being a leader rather than a follower and we should not have waited until the United Kingdom had done it, we should have been the leader and let them follow us.

HON. TRUMAN M. BODDEN: Mr. President, I support this Bill and the related Bills, and I agree as the Honourable mover has mentioned, it is coming perhaps somewhat later than it could have come.

The abolishing as against the suspending of exchange control can only have a good effect on the economy. But I would like to deal with what the Honourable mover put forward as certain fears which have been alleged by presumably only a minority of bankers in the community.

The de facto situation within the Islands has come to be one where exchange control is really not in fact strictly enforced. The situation is really one where it is at this time substantially a formality and it is only on very rare occasions that I would expect exchange control is ever refused. However, there are little people, people in the street who do not have United States dollar accounts and the banks have continued to take the exchange control turn either between the buying of .82 or the selling of .85. That spread, Mr. President, must be one of the largest spreads that probably exists where currencies are pegged one to the other and fully supported by securities and where the Government is stable with a surplus and with a general reserve.

To say that the difference in the interest rates between the United States and the Cayman rate is a problem which has arisen otherwise than with the contribution of the banks themselves, I do not think would be a full statement of fact. There is going to be a shifting of conversion of currency from the Cayman dollar to the United States dollar, because the deposit rates are very high on United States dollar compared to Cayman dollars. But only a few years ago, may be three years, four years ago the United States dollar deposit rates were down in the sixties or seven or eights, whatever it may have been at that specific time. At that stage and during a recession when it is usual for the bank rates within a country to be reduced in order to allow the country's economy to thrive and to expand rather than contracting the differential between the United States deposit rates and the Cayman deposit rates were considerable. Now, Mr. President, the tide has gone the other way and the United States dollar has a high deposit rate and the Cayman dollar a much lower deposit rate. But, and I think the banks as well as Government have converted when it suited them, either from Cayman dollars to United States dollars or vice versa in order to make larger profits.

And quite rightly within a free money market as exists at this time; but it would be very unfortunate, Mr. President, if the banks, having the control over the Cayman deposit rates were to use this Law as a means of raising the base rate, the lending rate and the deposit rate of the Cayman Islands dollar. I doubt very much that the conversions on the private side would come to other than a very small proportion of the amount of conversion between the two currencies

HON. TRUMAN M. BODDEN (CONTINUING): that has gone on. I believe, as I said earlier, that not only this Government but the banks have themselves laid off sums of money by converting from one currency to the other when it has suited them.

All that this Law is now doing is to regularize for the little person who many times did not have the knowledge to apply for exchange control to operate a United States dollar account and who continued to receive .82 or pay .85 on the United States dollar or the Cayman dollar depending which way that he was converting. So I would hope, Mr. President, that what the Honourable Member mentioned about the differential in the rates that they would not use this Law, which is really regularizing what I think is the de facto situation and can only, at least on the local market regularize a position which has existed in the international market for a long time.

It is true that the importance of the Cayman dollar will reduce, but at present, Mr. President, it is rarely used in international transactions and it is largely a currency which is dealt with in the everyday use in the retail and local wholesale businesses. I do not think that it could be alleged that any large international transactions are actually carried on with the Cayman dollar.

I think that the creation of an exchange control freeport is good, I think it is healthy to the economy, I think it reduces down the paper work and the bureaucracy or bureaucratic side of having to apply and wait a period of time for a matter which is given substantially as a right. It will also rectify the situation in relation to the Companies and the applying of exchange control approval for the capital of non-resident and exempted companies.

The following amendments are necessary to ensure that this Law itself will be effective. As I mentioned earlier, I think that it should be supported by the House, it will probably tend towards, hopefully one day reducing the spread on the exchange rates of .82 and .85 perhaps somewhat nearer to what should be the true position having regard to the country's stability and its pegging of its currency to the United States dollar. And I would ask that Members support it.

HON. G. HAIG BODDEN: Mr. President, I view the abolition of exchange control as a forward step for the Cayman Islands in the area of finances. Despite our small size we already have an esteemed position in the world of finances, all the leading publications list the Cayman Islands within the top four or five for offshore banking, as a tax haven, and I think we are very fast becoming not only the envy but a model for some of the small territories.

The result of stringent exchange control policies has always been that the tighter the controls the smaller the dollars shrank. There are many instances in the Caribbean where a native going abroad can only take $25.00 United States dollars with him, and I understand one of these has even reduced it to $15.00, yet these stringent controls have not stopped the money flowing out of the country. A few years ago the Jamaica dollar was on par with the Cayman dollar, I understand it is now worth about one third, and every time the dollar shrank the exchange controls were made tighter and the tighter they were made the smaller it shrank, yet the people in finances in those countries have not realised that it is their own stringent exchange control policies which make the investor keep away from their shores. They blame it upon the attitude of the capitalist, they have no end of excuses, but the real culprit is their exchange control system, and perhaps it is good for us that these countries have not realised the error of their ways, because the more they tighten their controls the stronger the Cayman Islands dollar which has little or no exchange control over it, becomes. And so that while we once enjoyed a most prestigious position in Caribbean finances we will eventually be the number one spot.

Every area of finances in the Cayman Islands has seen in the last ten years increases of phenomenal amounts, banking, insurance, real estate, company registration, ship registration, deposit

HON. G. HAIG BODDEN (CONTINUING): at the banks, and the only reason for this is because the investor who brings his money here knows that it is safe, he can invest, he can take out his profits. And investors do not come to Cayman or any other country because they love the Cayman Islands, they come here because they love the dollar. And in loving the dollar they make money for themselves, they make money because they are free to trade, they are free to invest, they are also free to remove their profits if necessary. But no investor will ever remove his profits from the place where he is making the most money, so we have a good thing going.

And the abolition of this Law helps to strengthen our position, it helps to make us better than we were and will also help in the future make us to become better than we are.

The Exchange Control Law which existed did not impose any hardships. There were instances when permission was necessary from the controller of exchange to get approval for certain transactions, but this approval was never denied unless it was an extreme circumstance. And so today the abolition of this Law opens up a new avenue for increased expansion of our economy, and while investors have only come with a million in the past it is quite possible that where they came by the thousands they will now come by the tens of thousands.

Two speakers mentioned the spread that the banks have established, and when the spread between the United States and the Cayman dollar, and when these banks are questioned closely they give some reason that they have to charge this high spread because there is a certain amount of money at risk, but the spread which they charge is more than sufficient to cover any risk which exists. If the banks in the Cayman Islands engaged in no other transaction than to buy and sell Cayman and United States dollars at the exorbitant rate that they now sell they would be able to finance all of the operations in the Cayman Islands and still have a very tidy profit left. And I feel it is incumbent upon the banks to guarantee to the public that they will make every endeavour to reduce this spread and at least not to widen the gap any further.

Britain is very fortunate in having Mrs. Thatcher as the Prime Minister, and it is my opinion that this is the only Prime Minister Britain has had in this century with the exception of the late Sir Winston Churchill. Because she has brought a cohesiveness to the Government, she has been able to formulate her policies, to establish them, to make them acceptable to the public and to the world at large, and in so doing Britain is again becoming a leader in monetary affairs.

One Member mentioned that it is regrettable that we have to follow what Britain has done in the matter of exchange controls when long ago we knew this was the proper thing. But now that our parent country has adopted such a policy we can with assurance go into it knowing that we are doing what the mother country has done.

This Bill will abolish exchange controls, if it is ever necessary in the future controls could be brought back, if there is another local war and it became necessary to control the cash flow into the country this could be done.

Mr. President, I am by no means finished but because it seems to be putting strain on the electronic apparatus which has performed so poorly today, I think I should close so that your mike can be able to provide .... (INAUDIBLE) .....

MISS ANNIE H. BODDEN: Mr. President, while I do not pretend to be a financial wizard, nevertheless, I must say that you must have faith in somebody. I have implicit faith in our mother country, I would not like to know today that they were following what we do in some cases. I feel, Sir, that if this Bill is for our benefit we should accept it. I have not been embarrassed by having to ask for exchange control in too many instances. In the first offset of this, if even you wanted to send a little order abroad you had to get that permission, and I cannot say in any instance that it was ever denied to me. But I might as well tell you very frankly, Sir, I do not love money, but if I loved any it would

MISS ANNIE H. BODDEN (CONTINUING): be the American currency. I think it is the most beautiful currency I ever saw printed, and the words on it are so suitable, "In God we trust", not in the money, but in God.

Well personally, I feel Sir, that if it is a step to help us out we should adopt it. I might as well tell you, Sir, I have a small United States account in one of the banks, but if I can get a hold of a beautiful new United States $100.00 dollar bill I would keep that as a souvenir. And I am saying so, Sir, very thankful and humble to God that presently I have about $4,000.00 US. and most of it is in $100.00 dollar bills.

Now, Mr. President, I do not understand this exchange control too very well with the banks. If I go there to buy a $100.00 I have to pay $85.00 Cayman Islands dollars to get one U.S. $100.00, in turn if I take a $100.00 dollar bill there in cash I get $80.00. And then in our conversion of United States dollars, if I have to pay the stamp duty that is figured at 83.33, I do not understand quite Sir, all the differences but I feel that there must be a reason, and I am only hopeful, Sir, that the introduction of this Bill which will end the control it will not be any loss to us. I am very sure, Sir, that the Financial Secretary in whom I have the greatest faith, I have not got too much faith left in too many people, but I feel, Sir, that he would not lead us astray. And most of all, when our mother country adopts such a policy I feel that we can ably follow their ruling. Thank you, Sir.

MR. PRESIDENT: Are there any other speakers? I will ask the Honourable mover if he wishes to reply.

HON. V.G. JOHNSON: Mr. President, ...

MR. PRESIDENT: I think my mike seems to be working for a change. If Members' microphones are out of commission we had better suspend for fifteen minutes.

HON. V.G. JOHNSON: Mr. President, ...

MR. PRESIDENT: I withdraw the remarks about suspension.

HON. V.G. JOHNSON: I will not be long, Sir. I have but very little to say in reply. Members spoke about the prime rate, actually the abolition of exchange control should have no effect on the present prime rate of the Cayman dollars. However, the bankers may see wisdom in wanting to adjust the rate because of speculation, however, this is a matter that will have to be examined, and I think it is the view of this Honourable House that suspension or abolition of exchange control should have no actual bearing on the present position of the prime rate.

The last speaker referred to so many rates of the bank. Well, the official exchange rate of the Cayman dollar is that one Cayman dollar is equivalent to one dollar and twenty cents United States or 83.33 Cayman dollar to one United States dollar. There are other rates adopted in the banks which are known as counter rates. One is the cost of buying United States dollar, and that rate is the most expensive rate where you pay .85¢ Cayman for one United States dollar. Well, the bankers will claim that they must have a rate which is above the official rate because it will cost them to negotiate the various transactions in the sale of this dollar. It is similar to them paying 80¢ for one United States dollar, that is 80¢ Cayman, because in truth and in fact that dollar has got to be shipped back to their clearing house in New York or wherever it may be for it to be credited to their accounts, and the process of doing so costs them in postage, telegraph cost and the rest of it. And so in all these transactions it costs the banks to do so, and so there is an added charge which causes the various rates which were mentioned.

We have no control over the banks' counter rates, but what the Honourable First Member of Executive Council mentioned awhile

HON. V.G. JOHNSON (CONTINUING): ago about the wide spread,which is a bone of long contention between the Government and the bankers is another thing. They have established a selling of .85¢ Cayman to one United States dollar when the official rate is 83.33¢ Cayman to one United States dollar, and it is thought that the charge for a United States dollar is fairly much, what is called a very wide rate. Well, the bankers claim that the reason for that wide spread in the exchange rate is because they must be covered for the risk which they take when they sell United States dollars.

Mr. President, I am glad that all Members of the Legislative Assembly, I take it that silence gives consent, and I refer to those who did not say anything. I thank them for their support of this measure and I am sure that it will in due time prove very useful to the Cayman Islands.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE COMPANIES (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Companies (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Companies (Amendment) Law, 1980" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Companies (Amendment) Law, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a Bill entitled "The Companies (Amendment) Law, 1980".

Mr. President, I have just covered this Law in presenting the repeal of the Exchange Control Law. It is quite simple, it is just re-defining non-resident company, and it says here,"it bears the meaning ascribed to that term in section 2 (1) of the Local Companies (Control) Law (Revised). I therefore recommend the Bill, Mr. President.

MR. PRESIDENT: The question is, that a Bill intituled "The Companies (Amendment) Law, 1980" be read the second time. The motion is open for debate. If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE LOCAL COMPANIES(CONTROL) (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Local Companies (Control) (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Local Companies (Control) (Amendment) Law, 1980" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Local Companies (Control) (Amendment) Law, 1980.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a Bill entitled "The Local Companies (Control) (Amendment) Law, 1980".

Mr. President, this is another Law in the package of four,which I mentioned earlier,and describes the purpose for the Bill. I therefore recommend it to this Honourable House.

MR. PRESIDENT: The question is, that a Bill intituled "The Local Companies (Control) (Amendment) Law, 1980" be read the second time. The motion is open for debate. If there are no speakers I will put the question.

QUESTION PUT. AGREED. BILL GIVEN A SECOND READING.

THE INSURANCE (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Insurance (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Insurance (Amendment) Law, 1980" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Insurance (Amendment) Law, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move the Second Reading of a Bill entitled "The Insurance (Amendment) Law, 1980". This too, Mr. President, is the fourth Bill in the package recommending the abolition of exchange control, and it just merely redefines a non-resident company. I recommend the Bill, Sir.

MR. PRESIDENT: A Bill intituled "The Insurance (Amendment) Law, 1980" - a motion has been moved that it be read the second time. The motion is open for debate. If there is no debate I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE INSURANCE (AMENDMENT) (NO.2) LAW, 1980.

FIRST READING

CLERK: The Insurance (Amendment) (No.2) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Insurance (Amendment) (No.2) Law, 1980" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Insurance (Amendment) (No.2) Law, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move the suspension of Standing Order 46 (4) in order to take the Second Reading of the Insurance (Amendment) (No.2) Law, 1980.

Unfortunately, Mr. President, this Bill has not yet been published in the Gazette, and that is the reason for asking for the suspension of Standing Order 46 (4).

SUSPENSION OF STANDING ORDER 46 (4)

MR. PRESIDENT: The motion is that Standing Order 46(4) be suspended to allow the Honourable mover to proceed with the Second Reading. Standing Order 46(4) reads as follows:-

> "No bill other than an Appropriation or Supplementary Appropriation Bill shall be read a second time until it has been printed and gazetted".

This Bill has been circulated to Honourable Members but has not yet been gazetted. Had it been a Bill of substance I think that Members might have had some objections, but as it is a short amending Bill Members may wish to proceed.

The motion is open for debate if anybody wishes to speak. If there are no speakers I will put the question.

QUESTION PUT: AGREED. STANDING ORDER 46(4) SUSPENDED.

MR. PRESIDENT: The Honourable Member may proceed.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a Bill entitled "The Insurance (Amendment) (No.2) Law, 1980".

Mr. President, since the Insurance Law was passed by this Honourable House in September of last year a number of requests were made for its amendment . These were looked at and examined from time to time, and you may recall a few of those amendments have already been considered by this Honourable House. Quite recently another request came to Government to examine Section 7 (1) (c) (i), which says that "Every contract of domestic business shall be subject to the non-exclusive jurisdiction of the courts of the Island".

And there were people in the insurance industry and the law firms locally who thought that the removal of the term "non-exclusive" would perhaps be more appropriate to insurance businesses conducted from the Cayman Islands, but may be written by firms operating abroad. That is, insurance policies written by foreign firms, and perhaps that it should be subject to the jurisdiction of other areas, but with the word "non-exclusive" in it, it would appear to them that the jurisdiction was only within the Cayman Islands.

Well, the Legal Department looked at this, they did not see anything wrong with the term, but in order to satisfy insurers and their legal representatives who thought that this might be a further obstacle in the smooth operation of the Insurance Law it was decided to recommend the removal of the term "non-exclusive". And that is all this Bill is about, Mr. President, and I hope that this will cure all the ills in the Law. And it is hoped that it will be put into effect sometime next month since a superintendent of insurance has now been named.

As soon as the office is established and it is ready to administer the provisions of the law then it will be brought into effect. And I hope that with this last amendment the legislation will be acceptable to one and all, and it will prove very useful to the Cayman Islands.

I therefore recommend the Bill before us which seeks to remove the term "non-exclusive" from Section 7 (1) (c) (i).

MR. PRESIDENT: A Bill intituled "The Insurance (Amendment) (No.2) Law, 1980" be read the second time. The motion is open for debate. If there are no speakers I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE ELECTIONS (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Elections (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Elections (Amendment) Law, 1980" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Elections (Amendment) Law, 1980.

HON. D.H. FOSTER: Mr. President, I beg to move the second reading of a Bill entitled "The Elections (Amendment) Law, 1980".

Mr. President, this is a very short amendment, and it seeks to increase to $500.00, the deposit to be made by candidates for the election as Members of the Legislative Assembly. Well, it is

HON. D.H. FOSTER (CONTINUING): stated in the Law, the amount was £50., and this short amendment raises it to a realistic figure of $500.00. There is very little more that I can say about it, Sir, but I ask for the support of the House on this Bill.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. BODDEN: Mr. President, while this is a very short Bill it has a significant purpose, and what the public is saying is, that it is designed to keep the poor man out of the Assembly. I do not feel that way about it, Sir, because we must be extra poor now if we have not got $500.00. I will agree that not everybody can afford to lose it, but I feel, Sir, that when we had to deposit £50 in the old days or $100.00, at that time that was equivalent to what $500.00 is worth now, so personally, I support the Bill.

I feel, Sir, that anybody who wants to be an elected member, who wants to try to run this Government in a proper course should at least be able to finance that amount. But believe it or not, Sir, I have had offers come to my office, "Miss Annie, we want you to run so bad that if you have not got that $500.00 we will put it up for you". I said, "thank you for the offers, but thank God it is not necessary". I feel, Mr. President, that this Bill was not designed for purpose which most of the public believe , it was designed to see that we have proper people representing us, and I support the Bill. Thank you, Sir.

HON. G. HAIG BODDEN: Mr. President, I see this amending Bill as necessary to bring the elections deposit in line with all other changes in the value of money over the span of eighteen years. I did not check precisely the year in which our Election Law went into effect, but it has been in force some eighteen to twenty years.

Eighteen years ago £50 in the Cayman Islands was a lot more than $500.00 today, and I am sure £50 at that time could buy more goods and services than the $500.00 today. Also the £50 was much harder to get, because jobs were not as plentiful, and even when jobs were available the pay was low and there was not the surplus left over at the end of the month. So this is a reasonable increase, it is not designed to keep any particular person from running, because even if this person should be amongst the daily paid workers he could earn $500.00 in a month, so $500.00 is perhaps the wages that could be earned by people earning $25.00 per day.

If the Bill were intended to keep out somebody the amount would have to be $5000.00 and not $500.00, On the other hand, this $500.00 is refundable. Under the Election Law a candidate for election will have his deposit refunded whether he is elected or not providing he obtains one sixteenth of the total votes cast in his electoral district. One sixteenth is 6%, and if a person does not obtain 6% of the votes cast in his district his must really be a joker. It is very rare that a person loses a deposit, but I would not be surprised at all if in 1980 Government is not enriched by a few five hundred dollars, because I have heard of many jokers that intend to present themselves as candidates in the Cayman Islands.

So, the Bill is a Bill which brings into line the Election Law with all the other Laws and all the other services in our country. Being a Member of the Legislature is perhaps one of the greatest honours that can be bestowed upon a person, because you are being elected is not dependent on whether you have money or not, it is not dependent on one or two vicious and bias publications, but it is dependant upon the majority of Caymanians and people of Caymanian status, and the people who go to the poles. So when a person loses a deposit in an election it is because that person should not have sought election, because he has not merited the necessary support of 6% of the people in his constituency. And so this Law is not intended, and should never be intended to deprive a person from running, but it is nevertheless a guarantee that jokers will not

HON. G. HAIG BODDEN (CONTINUING): present themselves as candidates. And I support the Bill and feel that it is quite in line with the increase in values that have come about in the Cayman Islands over the last eighteen years. Thank you, Mr. President.

MR. PRESIDENT: Are there any other speakers? If not, does the Honourable mover wish to reply?

HON. D.H. FOSTER: Just to say thanks to the Members who have supported the Bill, Sir.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE JUDICATURE (AMENDMENT) LAW, 1980
FIRST READING

CLERK: The Judicature (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Judicature (Amendment) Law, 1980" is deemed to have been read the first time and is set down for a second reading.

SECOND READING

CLERK: The Judicature (Amendment) Law, 1980.

HON. DAVID R. BARWICK: Mr. President, Sir, I rise to move that a Bill entitled "The Judicature (Amendment) Law, 1980" be now read the second time.

The purpose of this short amending Bill is to increase the amount of penalty which may be imposed on persons who fail to comply to summonses for jury service. As the Law stands at present $30.00 is the penalty , which may be imposed, and that penalty was laid down when the Law was enacted.

With the change in purchasing power which has taken place since the enactment of the Bill, the penalty no longer acts as a deterrent to persons who are minded to avoid their civil duties. A rise has been noted of late in the number of people failing to obey jury summonses, and in open court recently the Honourable Chief Justice indicated to me that an increase in the penalty seemed timely. According to the Bill that has been brought before the House the increase I feel matches the change in the value of money, and I would ask Members to give it their full support.

Mr. President, Sir, I beg to move that the Bill intituled "The Judicature (Amendment) Law, 1980" be now read the second time.

QUESTION PROPOSED: DEBATE ENSUED.

HON. G. HAIG BODDEN: Mr. President, I support this Bill. The section of the old Law, which is hereby amended, limited the maximum fine imposed for non appearance when summoned as a juror to $25.00, the amending Bill will increase the maximum fine to $100.00. Twenty-five dollars per day is the wage of only a very small minority of the population, and if a person is summoned to served and he is earning $50.00 a day he would be better off to mail his $25.00 to the Clerk of Courts.

However, it is regrettable that the penalty should have to be increased because every citizen should feel it his duty to appear when summoned to serve as a juror. One of the corner stones of the British system of justice which we follow, is that of trial by jury where a man does not for serious crime fall into the hands of a single individual, a judge who may be biased or who may be politically motivated or who may be of the failures common to human beings, but the individual is given an opportunity to be tried by, twelve men, sometime seven. We have recently brought back the coroners jury which had been surplanted

HON. G. HAIG BODDEN (CONTINUING): some few years back by that of an individual coroner, and I think it is the responsibility to appear when called upon to serve, and I fully support the increase in the penalties for non-appearance and would like to reiterate that it never should have been necessary to have this Law amended, because individuals should see their appearance for jury service as one of the safeguards in the system of justice which we in British territories still follow.

MR. PRESIDENT: Are there any other speakers? Does the Honourable mover wish to reply? The question is that the Judicature (Amendment) Law, 1980 be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE MISUSE OF DRUGS (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Misuse of Drugs (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Misuse of Drugs (Amendment) Law, 1980" is deemed to have been read the first time and is set down for a second reading.

SECOND READING

CLERK: The Misuse of Drugs (Amendment) Law, 1980.

HON. TRUMAN M. BODDEN: Mr. President, I beg to move the Second reading of a Bill entitled "The Misuse of Drugs (Amendment) Law, 1980". This Law being extremely important I propose, Mr. President, under section 49, and at the closing or rather immediately after the Bill is read the second time to move that the Bill go into a select committee consisting of all the Members of this House. To that effect, Sir, I do not propose to go into the Bill to any extent, and I would ask Members, that having regard to the importance of this specific Bill that when that motion is subsequently made that they would support it.

MR. PRESIDENT: The question is, that a Bill intituled "The Misuse of Drugs (Amendment) Law, 1980" be read the second time. The motion is open for debate. If there are no speakers I will put the question.

QUESTION PUT:

MR. PRESIDENT: Nobody voting on this motion? The second reading. Those in favour that the Bill be read the second time please say aye.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

HON. TRUMAN M. BODDEN: Mr. President, I move that this Bill be referred to a select committee of all Members of this HOuse, and that the quorum be fixed at 8 Members.

MR. PRESIDENT: The question is, under Standing Order 49 (1) that this Bill stand committed to a select committee of all Members of this House with a quorum of 8 Members. The motion is open for debate.

QUESTION PUT: AGREED. BILL REFERRED TO A SELECT COMMITTEE.

MR. PRESIDENT: I will nominate the Honourable Member who has moved the motion as Chairman of the committee.

THE FIRE BRIGADE (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Fire Brigade (Amendment) Law, 1980.

HON. JAMES M. BODDEN: Mr. President, I have to move under Standing Order 46 (4), and with a request that it be suspended in order for us to deal with this particular Bill as we did not have time to have it gazetted to the Members in time for this session under the rules and regulations.

MR. PRESIDENT: First of all I will deem the Bill to have been read the first time and is set down for a second reading.

The motion now is, that Standing Order 46 (4) be suspended to allow the second reading to take place. This is similar to the motion on a previous Bill which has not yet been gazetted. If there are no speakers I will put the question that Standing Order 46(4) be suspended.

QUESTION PUT: AGREED. STANDING ORDER 46(4) SUSPENDED.

MR. PRESIDENT: The Member may now move the second reading.

SECOND READING

CLERK: The Fire Brigade (Amendment) Law, 1980.

HON. JAMES M. BODDEN: Mr. President, I apologise for not being able sometime to follow the written words that closely. I move the second reading of a Bill for a Law to amend the Fire Brigade Law, 1979. This will give powers to the Fire Officers in order for them to be able to enter a burning building, aircraft or so forth without having to go through the normal procedure. And another section of this Law will place the Fire Brigade under the Portfolio of Tourism, Civil Aviation and Trade rather than the Portfolio of Communications, works and Local Administration. And this is being done strictly for administrative purposes, being that the same officers have to operate the fire brigade at the Airport, Sir, and I ask the support of all the Members on this Bill.

MR. PRESIDENT: The question is, that a Bill intituled "The Fire Brigade (Amendment) Law, 1980" be read the second time. The motion is open for debate. If there are no speakers I will put the question.

QUESTION PUT: AGREED BILL GIVEN A SECOND READING.

MR. PRESIDENT: It is now 4:30 P.M. and it is time to interrupt business. I would remind Members that after the motion on the adjournment we are meeting for the annual general meeting of the Commonwealth Parliamentary Association at 4:30 p.m. I hope Members have their papers with them.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. FRIDAY, 14TH MARCH, 1980.

STATE OPENING AND FIRST MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 14TH MARCH, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.B.E. - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., JP.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V. G. JOHNSON, C.B.E., JP.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

**MR. D. DALMAIN EBANKS*	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. J. GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN L. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE H. BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MR. CRADDOCK EBANKS, J.P.	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ABSENT:- CAPT. K.P. TIBBETTS, J.P.

**Absent in the p.m.*

ORDERS OF THE DAY

FRIDAY, 14TH MARCH, 1980

1. QUESTIONS:-

MR. JOHN McLEAN OF EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 1: Does the Government have a detailed inventory of all the Government's property, furniture, fittings, equipment and vehicles?

MR. JOHN McLEAN OF EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 2: Are all Government vehicles, land, buildings and contents insured to the full insurable value?

No. 3: Will the Honourable Member make a statement concerning the introduction by Government of a clearing system for banks?

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

No. 4: Will the Member state what powers does the Captain of the Police Patrol Boat have?

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

No. 5: Will the Member state whether consideration will be given to the awarding of scholarships to athletes for training in any specified fields?

No. 6: Will the Member state what action has been taken on the recommendations of the Sports Sub-Committee submitted to Government at the end of 1979?

MRS. ESTHER EBANKS OF WEST BAY TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No. 7: Will the Member state whether consideration is being given or will be given to the provision of a dining room at the Government Hospital where the staff can take their meals?

MRS. ESTHER EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 8: It has been noted that the District of West Bay is not represented on the Caymanian Protection Board. Will the Member make a statement on this?

MRS. ESTHER EBANKS OF WEST BAY TO ASK THE HONOURABLE JAMES M. BODDEN, MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

No. 9: (a) Will the Member state the cost of the new engine recently installed in the BAC 1-11?

(b) Will the Member say whether the amount for spare parts for the aircrafts covered the cost of the new engine or was it an amount in addition to that for spare parts?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE JAMES M. BODDEN, MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

No. 10: Will the Member state the number of casual labourers presently employed by Government, and their average pay, either daily or hourly, as the case may be?

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

No. 11: Will the Member make a statement concerning the fact that certain Attorneys-at-Law have had notice that their work permits will not be renewed after one year?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No. 12: Will the Member state the number of Caymanians (if any) who are being trained abroad in the legal profession?

2. *PRESENTATION OF PAPERS AND REPORTS -*

THE DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1980

TO BE LAID ON THE TABLE BY HON. G. HAIG BODDEN

3. *GOVERNMENT BUSINESS: -*

BILLS -

(a) THE PORT AUTHORITY (AMENDMENT) LAW, 1980	*FIRST & SECOND READINGS*
(b) THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980	*FIRST & SECOND READINGS*
(c) THE CUSTOMS (AMENDMENT) LAW, 1980	*FIRST & SECOND READINGS*
(d) THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980	*FIRST & SECOND READINGS*
(e) THE EXCHANGE CONTROL (REPEAL) LAW, 1980	*COMMITTEE THEREON*
(f) THE COMPANIES (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(g) THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(h) THE INSURANCE (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(i) THE INSURANCE (AMENDMENT) (NO. 2) LAW, 1980	*COMMITTEE THEREON*
(j) THE ELECTIONS (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(k) THE JUDICATURE (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(l) THE FIRE BRIGADE (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(m) THE PORT AUTHORITY (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(n) THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(o) THE CUSTOMS (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*
(p) THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980	*COMMITTEE THEREON*

THE DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1980 *MOTION BY HON. G. HAIG BODDEN*

GOVERNMENT MOTIONS: -

(a) GOVT. MOTION NO. 1 - APPOINTMENT TO LIQUOR LICENSING BOARD FOR THE LESSER ISLANDS TO BE MOVED BY HONOURABLE JAMES M. BODDEN

(b) GOVT. MOTION NO. 2 - SUPPLEMENTARY EXPENDITURE - TO BE MOVED BY HONOURABLE FINANCIAL SECRETARY, THIRD OFFICIAL MEMBER

(c) GOVT. MOTION NO. 3 - CINEMATOGRAPHIC AUTHORITY - TO BE MOVED BY THE HONOURABLE FIRST OFFICIAL MEMBER.

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FRIDAY 14th MARCH, 1980

10:00 A.M.

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

QUESTIONS

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO. 1: Does the Government have a detailed inventory of all the Government's property, furniture, fittings, equipment and vehicles?

ANSWER: Yes. An up-to-date inventory is kept on a specific form and checked by Auditors annually.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, a supplementary. Would the Member care to let me have a copy of this, Sir?

HON. D. H. FOSTER: By all means, Mr. President, I will be glad to let the Member have it, I do not have it here. I can go a little further, about three months ago the External Auditors were not satisfied that the forms gave sufficient detail and they designed a new form and it has been instituted about a month ago, and circulated to all the departments and so on, and so forth, Sir. It is a pretty modern system right now, but I would be glad to give the Member a copy of that.

MR. JOHN B. McLEAN: A further supplementary. I would just like to ask the Member, Mr. President, if he regards the system as a foolproof one against theft and destruction?

HON. D. H. FOSTER: Against theft, yes, Sir, but not destruction. When a piece of furniture is worn out or smashed up for some reason or the other the appropriate department requests a Board of Survey. The Board is appointed and they examine the equipment and they make a recommendation whether it is to be auctioned, written off, given away or what. Those recommendations have to come to me from all departments and are looked into carefully, they are signed, they go back for action by the head of that department and when the action has been taken then they come back again.

MR. PRESIDENT: If there are no further supplementaries, we can go on to the next question.

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 2: Are all Government vehicles, land, building and contents insured to the full insurable value?

ANSWER: All Government buildings are revalued by the Chief Engineer, Public Works Department before the end of the insurance year which is the 30th June and the renewal premium effective 1st July is calculated on the revalued amounts to cover fire and allied perils.
Furniture, fixtures and fittings for the Administration Building and Radio Cayman are also covered by insurance.
Government Vehicles: The Police and the Governor's cars are covered by Comprehensive Insurance Policy and the other vehicles by Third Party Risks (inclusive of Property Damage and Passenger Liability).

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: A supplementary, Mr. President. Would the Member care to say who the insurers are?

HON. V. G. JOHNSON: The Government insurers are now the H. O. Merren & Company Insurance Company Limited. They are representing Lloyd's of London and other large foreign Insurance Companies. The property is insured through Lloyd's and the vehicles through a large American Insurance Company.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Would the Member say or give any reason why all of Government's vehicles are not comprehensively insured?

HON. V. G. JOHNSON: Mr. President, on the basis of economy it was found that it was not necessary to insure all of Government's vehicles comprehensively. This is only done in case of Departments like Police where there is a great risk to vehicles especially those used in the Traffic Department.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. The Member said that the Governor's vehicle and Police cars. What about the Hospital ambulance? Is that comprehensively insured or.....?

HON. V. G. JOHNSON: Mr. President, according to record history it was proven that this was not necessary. The Governor's vehicle is insured comprehensively because it was felt that there was a need for this, but according to the records of other vehicles there is no risk really to the extent that the vehicle should be insured comprehensively.

MR. CRADDOCK EBANKS: Mr. President, that gets me a little closer to the point, I do not see that it is necessary to me either, but I have to meet it so I feel that the Hospital, Fire Department vehicles and the drivers should be as well protected as the Police Department.

MR. PRESIDENT: Move on to the next question.

NO. 3: Will the Honourable Member make a statement concerning the introduction by Government of a Clearing System for Banks?

ANSWER: The question of establishing a Clearing System to accommodate local commercial banks was examined many times since 1974 by the Currency Board and Executive Council.
The original need to establish a Clearing System was prompted by the problem of one particular bank to arrange adequate clearing facility. However, this problem was resolved satisfactorily and at present the large Clearing Banks have a viable working relationship with the smaller banks.

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

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

NO. 4: Will the Member state what powers does the Captain of the Police Patrol Boat have?

ANSWER: The Captain of the Police Boat has the powers of an ordinary citizen.

SUPPLEMENTARIES:

MR. D. DALMAIN EBANKS: A supplementary, Mr. President. Will the Member state whether there will be a patrol set up for this Police Boat and what range of distance it will cover?

HON. D. H. FOSTER: Yes, Mr. President, I think the patrol has been set up, I do not really know the details of it but it ranges right to the Lesser Islands. For the benefit of the two crew members it is the first time we have ever had a crew for - well, first the time we have had a decent size Police Boat and therefore a crew for it. Neither of the two crew members have had any Police experience and we are giving them a six months' period in which for them to decide whether they would like to have the powers of a police or not, in which case certain other things will have to take place, but for the time being whenever they go Police Officers accompany them in the boat.

MR. D. DALMAIN EBANKS: Another supplementary, Sir. Could the Member say whether this boat will be armed?

HON. D. H. FOSTER: Yes, Mr. President.

MISS ANNIE H. BODDEN: Mr. President, would the Member be permitted to give us the name of the Captain of this boat, please, Sir?

HON. D. H. FOSTER: Yes, Sir. Larribee Ebanks.

MR. CRADDOCK EBANKS: Mr. President, a supplementary. Would the Member say then if there is a scheduled patrol daily around the coastal waters?

HON. D. H. FOSTER: I think, Mr. President, the patrol is staggered, it is not a routine thing, if you have it routine then the people you may be looking to catch just how to follow you for one week and know your whole routine thing and know where you are, so it is staggered completely.

MR. PRESIDENT: Move to next question.

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

NO. 5: Will the Member state whether consideration will be given to the awarding of scholarships to athletes for training in any specified fields?

ANSWER: The Education Council will be happy to consider scholarships to athletes for training in specified fields who qualify under the Education Regulations, 1971. Preference will be given to applicants who enter good Universities or Colleges and qualify themselves to teach or otherwise contribute to the sports in these Islands.

NO. 6: Will the Member state what action has been taken on the recommendations of the Sports Sub-Committee submitted to Government at the end of 1979?

ANSWER: The Sports Sub-Committee had been requested to submit a joint report with the Cultural Sub-Committee to the Sports and Cultural Committee. This has not yet been received. Recently the Cultural Sub-Committee circulated its report and I expect the joint report shortly, at which time action will be taken.

MR. PRESIDENT: If there are no supplementaries, we can move on.

MRS. ESTHERLEEN L. EBANKS OF WEST BAY TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 7: Will the Member state whether consideration is being given or will be given to the provision of a dining room at the Government Hospital where the staff can take their meals?

ANSWER: There is no plan at present to provide a dining room. Part of the old Dental Clinic has been converted to a canteen which will be put into service when it has been furnished and a contract drawn up with a concessionaire who is yet to be selected.

SUPPLEMENTARY:

MRS. ESTHERLEEN L. EBANKS: Would the Member state whether the canteen will be enough space to facilitate the staff at the Hospital and the public visiting the Hospital?

HON. TRUMAN M. BODDEN: Mr. President, there will be enough space to accommodate the staff having regard to the fact that there is a shift-system and there would always have to be some on duty. There are some mixed views as to whether the public should be entitled to purchase meals separately from those which are actually administered by Government because many times in-patients and sometimes out-patients have controlled diets, and there is a view that it may be better not to open those facilities to the public, but this could be further considered.

MR. PRESIDENT: If there are no supplementaries, we can go on to the next question.

HON. D. H. FOSTER: Mr. President, before answering the question, Sir, possibly I should have said this earlier on .....(but I will say it now for the benefit of the Members answering the rest of the questions) there is no need for us to read out the questions because they are on the agenda, on the paper, and they are also circulated in the gallery, so there is no need really for Members to read out the questions.

MRS. ESTHERLEEN L. EBANKS OF WEST BAY TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 8: It has been noted that the District of West Bay is not represented on the Caymanian Protection Board. Will the Member make a statement on this?

ANSWER: Section 5 of The Caymanian Protection Law provides for the Governor in Council to appoint a Chairman, a Deputy Chairman and seven other members to hold office at the pleasure of the Governor. It does not say that the membership of the Board should consist of a person from each District.
A person from West Bay was on the Board to the end of last year when the member was replaced by a person from Cayman Brac.

SUPPLEMENTARY:

MRS. ESTHERLEEN L. EBANKS: Mr. President, I would like to make a statement rather than to ask a supplementary question.
The people in that District feel that being one of the biggest Districts they should be represented on the Caymanian Protection Board and have a voice in who is to come into this country or whatever goes on in this country. and I have been pressed to ask this question by the majority of people in my constituency. I thank you, Sir.

HON. D. H. FOSTER: Mr. President, I agree with the Member, Sir, and next year when we are looking at the appointments of Boards I will try to see that each District is represented on the Board, Sir.

MR. PRESIDENT: Next question.

MRS. ESTHERLEEN L. EBANKS OF WEST BAY TO ASK THE HONOURABLE JAMES M. BODDEN, MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 9: (a) Will the Member state the cost of the new engine recently installed in the BAC 1-11?

(b) Will the Member say whether the amount for spare parts for the aircrafts covered the cost of the new engine or was it an amount in addition to that for spare parts?

ANSWERS: (a) Following an engine injestion on one of CAL's BAC 1-11s, it was necessary to carry out an unscheduled engine change. At the time CAL's spare engine was being overhauled by Rolls Royce in Canada and no space was available through the pooling arrangements with LACSA as they had recently suffered similar difficulties. Because of this CAL had to lease an engine and the terms of the lease were for a minimum period of forty-five days at the rate of US$100.00 per day plus US$80.00 per hour used. The exact cost of the lease cannot be given since at the time this was prepared the forty-five day period had not expired. The cost of overhauling the damaged engine has been estimated at US$50,000 to US$60,000. No new engine was purchased by CAL.

(b) The cost of leasing the engine plus the cost of overhauling the damaged engine will be met from funds generated from income of the Company and no additional amounts will be required.

SUPPLEMENTARY:

MR. GEORGE C. SMITH: Mr. President, a supplementary question. Would the Member care to say whether the Company has insurance to cover unscheduled failure of machinery?

HON. JAMES M. BODDEN: I am sure there is no other airline company that has as much different types of insurance as Cayman Airways, Limited has, and in the amounts that they have had. This particular type of insurance is available but it is very, very expensive, so the Board of Directors have elected up to this time not to carry this type of insurance.

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

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

NO. 10: Will the Member state the number of casual labourers presently employed by Government, and their average pay, either daily or hourly, as the case may be?

HON. JAMES M. BODDEN: Mr. President, this is a difficult question for my Portfolio, because we employ so few.

ANSWER: The number of casual labourers presently employed by Government is 123, at an average hourly rate of pay of CI$ 2.53.

MR. PRESIDENT: We take the next question.

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

NO. 11: Will the Member make a statement concerning the fact that certain Attorneys-at-Law have had notice that their work permits will not be renewed after one year?

ANSWER: Appeals were lodged against this decision by both Attorneys. Both appeals were allowed.

MR. PRESIDENT: We can proceed to the last question.

MISS ANNIE H. BODDEN OF GEORGE TWON TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 12: Will the Member state the number of Caymanians (if any) who are being trained abroad in the legal profession?

ANSWER: Two persons are on scholarship to qualify as Lawyers. These are the only applications received by Education Council. The article system being introduced this session by legislation should increase the number of local Attorneys-at-Law.

SUPPLEMENTARIES:

MR. GEORGE C. SMITH: A supplementary question, Mr. President. Would the Member care to state the names of the two persons?

HON. TRUMAN M. BODDEN: Lerna Dilbert and Sherridon Brooks. One, the latter was a transfer, if the Member remembers.

MR. CRADDOCK EBANKS: Mr. President, would the Member state to say whether or when these two will complete their training?

HON. TRUMAN M. BODDEN: Mr. President, I am not absolutely certain of the answer that I am going to give but I believe that Miss Dilbert has one other academic year beginning in September, which would then put her in the position for call sometime in the first week in July, or if not the first week in November, and Miss Brooks will have, I think, another three years to go before admission.

MR. CRADDOCK EBANKS: Mr. President, one further supplementary question. Can the Member say where they are being trained?

HON. TRUMAN M. BODDEN: Miss Dilbert is being trained at the Law School in Barbados at Cave Hill and Miss Brooks is doing the academic degree through Sheffield University and ultimately she will go on, on the bar side of the profession.

MR. PRESIDENT: If there are no further supplementaries, we can deem question time to be closed.

I would like to reiterate what the First Official Member has said that it is only necessary to refer to numbers when asking questions, it is not necessary to read out the text which is reproduced on the Order Paper. This is clear from Standing Order 23 (1).

THE DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1980

HON. G. HAIG BODDEN: Mr. President, I beg to lay on the Table a Draft of The Development and Planning (Amendment) Regulations, 1980.

MR. PRESIDENT: So ordered.

HON. G. HAIG BODDEN: Mr. President, at a later stage these Regulations will be dealt with by way of motion and at that time an opportunity will be afforded the Members to debate the Regulations and perhaps during the Committee stage on other Government Bills, an opportunity could be afforded for amendments to these Regulations if so needed. This I may say is perhaps the only time when Regulations made by Executive Council need the special approval of the Legislative Assembly before they go into force, this is a requirement of the Development and Planning Law.

CLERK: THE PORT AUTHORITY (AMENDMENT) LAW, 1980

MR. PRESIDENT: A Bill intituled "The Port Authority (Amendment) Law, 1980" is deemed to have been read a first time and is set down for second reading.

SECOND READING

CLERK: The Port Authority (Amendment) Law, 1980.

HON. CHARLES L. KIRKCONNELL: Mr. President, I move the second reading of a Bill intituled "The Port Authority (Amendment) Law, 1980".

The purpose of this short amending Bill is to provide that the Chairman of the Port Authority be the Member responsible for Communications and Works or his nominee. The Port Authority is an essential service established and operated by Government and is one of Government's largest investments. When the Port Authority Bill was introduced to this Honourable House in 1976, there was strong objection by five of its Members who thought that the Member responsible for Communications should be responsible to this House and the public for its day-to-day operation. This is in keeping with the Constitution for the Member responsible for Communications and Works to be Chairman. The Member, in any case would wish to keep in close touch with the administration of the Authority which is not necessarily the position now. I ask that all Members of this Honourable House support this Bill.

QUESTION PROPOSED. DEBATE ENSUED.

HON. G. HAIG BODDEN: Mr. President, I have very fond memories of the passage of the original Port Authority Law and I must say that the only Elected Members in this House who survived the passage of this Law, were the Members who opposed the section that is now being amended. Members who were present at that time recall that certain Elected Members including the two Members from Bodden Town, at the time, were very strong in agitating for the Elected Member responsible for the Port Authority to be the Chairman of that body.

The Law as passed by the last Legislature made a permanent Civil Servant the Chairman of the Port Authority. This was out of keeping with our Constitution, because the Constitution clearly gives the Governor the discretion to give Elected Members of Executive Council responsibility for certain functions of Government and an anomaly existed in the Port Authority, in that the Member responsible to the Legislature for the workings of the Port Authority had been excluded from membership on the Authority. And this battle with the minority Members who opposed it, because I believe in that same sitting of the House or certainly within the same year, other Bills were passed in which the Member for Tourism was given the authority by the Law to be the Chairman of certain statutory Boards for which he was responsible.

The Health Practitioners Law had been rewritten to make the Member responsible for certain things in which he would eventually have to answer in the Legislature, and many other Laws were amended during the period 1972 to 1976 to bring those Laws into line with the new Constitution which came into effect in 1972 and which gave this Government an advanced stage of Internal Self-Government whereby the Governor could delegate to Elected Members responsibility for the running of certain Government Departments. And while the minority was defeated at that sitting by a two-thirds majority, no substantial reason was given at the time why in this particular instance the Principal Secretary, the established Civil Servant should have been the Chairman of the Port Authority instead of the Elected Member responsible for that Portfolio. And so this amending Bill is only changing something that really should never have been put into the Law.

I believe that at the time of the passage of the original Law, we were told that Caribbean Development Bank who financed the Port loan did not have any strong feelings, in fact they had no objection to the appointment of the Elected Member as the Chairman of that body. So it was not a condition of the loan that the post had to be filled by a person who did not have to answer for whatever happens. Furthermore if one reads the Hansards of that particular debate and will find that it was one of the few instances when the man who was then the Attorney-General, made a remark which would definitely have misled the House, and that was that the chairmanship could be given - (this will be found in the Hansards, I looked it up yesterday) to the Member, and this was not the case. The Law specifically stated that the Principal Secretary should be the Chairman of the Port Authority, and there was no getting away from it, the Governor does not have the authority to appoint the Chairman, the Chairman of the Port Authority is fixed by the Port Authority Law.

So this amending Bill, while a short Bill, is a very important one because it clarifies once and for all a whole new concept which crept into our Constitution in 1972. Whether it be good or whether it be evil only future generations will tell, but it is what was wanted by the public in 1972 when the new Constitution was drafted, everybody was saying "We want our Elected Members to have more say in the running of our Government Departments". And although I was not a Member of the House at that time, this is prior to November 1972, I fully supported that view, that the Elected Members could be given the responsibility for running

HON. G. HAIG BODDEN (CONTINUING): some of the Government Departments, and so, I endorse this amending Bill and I look forward to the support of all the Members of this Chamber.

MR. CRADDOCK EBANKS: Mr. President, I remember once hearing an eye specialist say when he approached his father and asked for finance to study in this field, his father told him he did not have any money to spend on him in that field, but he started out and he accomplished his well thinking profession. So he said "When you want something continue to hit the nail on the head and it will go home sometimes". I said that, Mr. President, to say this, the majority is supposed to be the winners in the Assembly or in any place when it comes to a vote, but I am aware, Sir, that the minority group in this House is the winner at some stage, because this one particular Bill now that was so strongly supported as the Member responsible for Communications and Works that should be the Chairman, was the minority group, so we lost then. But in fact now it was the approval of those minority Members with support, and I think all Members will support, now that the present Member responsible for Communications and Works should be the Chairman of the Authority Committee. It is pretty hard, Mr. President, for somebody to be responsible for the running of anything and not actually have the say or have any say in it.

If this, and which I am sure it will be, is amended, or in effect as requested, then the Member under his Portfolio will be responsible to this House, to the people, for the running and carrying out of affairs of the dock. We realize, Sir, that this is one of our biggest money making sectors from the Government and it needs to be well - I am not trying to attempt to cast any aspersions on the running of the dock, Mr. President, in the hands of the present members, but it needs to be well looked into and when the affairs are to be dealt with, then the Member who is responsible ought to be the one who has some say.

Mr. President, I give my whole support to this amendment, I feel sure, Sir, that it will work for the betterment of the country and I am sure that the Member will give his full time and good work like he has been doing in many other fields that come under his Portfolio. I thank you.

MR. PRESIDENT: Are there any other speakers? Does the Honourable Member wish to reply?

HON. CHARLES L. KIRKCONNELL: Mr. President, I wish to thank Members for their contribution and the support given to this Bill.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980

FIRST READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Banks and Trust Companies Regualtion (Amendment) Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980.

HON. V. G. JOHNSON: Mr. President, the purpose of this Bill is to provide a special annual fee for subsidiaries of Banks and Trust Companies licensed in the Cayman Islands.

Banks operating here usually, or in some cases, provide subsidiaries which are known as nominee operators, and these subsidiaries are, according to the advice from the Legal Department, supposed to be licensed under the Law as a subsidiary of a Bank. At the present time they are not licensed and it appears to bebreaching the Law. However, one of the reasons, Mr. President, why they had not applied for a licence is because the licence fee is much too big for a nominee operation, and the Banks suggested that if the fee was made a reasonable figure that they would comply. Of course, whether nominee operators or subsidiaries

HON. V. G. JOHNSON (CONTINUING): are breaching the Law, it is a matter for the Court to decide, the Government can only form an opinion in that respect. Nevertheless, it was thought that to put the whole thing in order that this amendment would be proposed for the fee of a subsidiary or a nominee operator to be in a much smaller sum than that paid by the Banks and Trust Company for full licenses.

The sum that is recommended in the Bill, Mr, President, is the equivalent of one-third of the present licence fee. There are views about even the size of that, that is to say the one-third, and I would suggest that in Committee stage we debate that particular recommendation. But in principle the Law seeks to achieve just what I have stated, to produce a smaller fee for subsidiaries or nominee operators of Banks and Trusts Companies.

I recommend the Bill, Mr. President, it is a small one, and hope that Members will see fit to support it.

MR. PRESIDENT: It has been moved that The Banks and Trust Companies Regulation (Amendment) Law, 1980 be read the Second time. The motion is open for debate.

If there are no speakers, I will put the question.

QUESTION PUT: AGREED: BILL GIVEN A SECOND READING.

THE CUSTOMS (AMENDMENT) LAW, 1980

FIRST READING

CLERK: THE CUSTOMS (AMENDMENT) LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Customs (Amendment) Law, 1980" is deemed to have been read the First time and is set down for Second Reading.

SECOND READING

CLERK: THE CUSTOMS (AMENDMENT) LAW, 1980.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled "The Customs (Amendment) Law, 1980".

The purpose of this Bill, Mr. President, is to free chicken parts and Irish potatoes from Customs import duty, - (this is known as the famous "chicken and potato Bill"). I have already expressed my views on this matter, Mr. President, when the motion was being debated at the last meeting of the Legislative Assembly, and so I have nothing else to say at this stage.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. BODDEN: Mr. President, I have heard it expressed in this Chamber that you cannot believe too much of what you see in the Press or sometimes on the Radio as well, I do not listen to the news all the time, Sir, and on one particular day this past week I heard some mention made of this same Bill that we have before us, and it said, as I understood, that over one hundred thousand dollars would be lost annually when this Bill becomes Law, and that chiefly the hotels benefit from this duty-free item, that the average person on the street will not get too much benefit and most of the benefit will go to the hoteliers. I do not know, Sir, whether this is correct or not, and I am not going to oppose the Bill because it will be misunderstood, if I do, I am very sure. I want, if it is God's plan for me to be back in this Chamber after the 1980 election, so, I am not going to oppose it, but I am going to say this, Mr. President, that when I look at the Customs Law most every other item is duty-free.

Now we have to get money to run this country, and unless we take a good firm stand we are eventually going down the drain, this boom will not last forever. I only hope that it would, and I would never like to go back to the days, like when I was growing up, and say up to 25 years ago; when if you had a pound you thought you were rich, that is the ordinary person like Annie Huldah Bodden. And we have to consider that we have so many more things to take off with Government providing the funds, and we know that most of our revenue or I would say the second largest revenue we have must come from import duty. And while I agree with this as they call it "the chicken and potato resolution", I feel, Sir, that we should eventually

MISS ANNIE H. BODDEN (CONTINUING): take note that we cannot allow everything in duty-free.

Some people have even gone as far as to tell me, "Well" they say "You know, we the people do not get any of this duty-free stuff benefit, because those who distribute for a price (foodstuff) when you go to the stores and the prices are up, they tell you they have to pay more for their salaries to their clerks and all kinds of things, so we do not get much benefit".

Well, I am supporting this, Sir, but I am saying, that we better be careful and do not allow too many things to some in here duty-free.

Now food is a necessity, we must have it to survive, but if it is the Lord's will that I come back in this Assembly after 1980, if I am a lone voice, I am going to say that we should impose some kind of very small duty on this free-port stuff.

An American lady came to my office one day of this week and she said, "How do you people survive in this country, I do not see any way that you can make any money". I said, "Well, we survive, and we are doing a good job". She said " I have gone to some of these Free-Port Shops and it is amazing, it is shocking the prices that are charged". She said, " It is so high, is it an extra amount of duty that they have to pay?" I said, "No lady, believe it or not, it is all duty-free stuff". Well she said, " These men and women who own these Free-Port Shops must be multi-millionaires according to the prices that I have seen".

Mr. President, food is a necessity, and I feel that we should, if we are going to reduce any more import duties on foodstuff to help the ordinary person survive, in turn we must put some duty on this free-port stuff. Thank you, Sir.

HON. JAMES M. BODDEN: Mr. President, I consider it a great privilege to be able to speak on this Motion today, and needless to say I support it today stronger than I did in the Budget session.

I am glad to know that this little issue has been dubbed "the chicken and potato resolution", because chickens and potatoes over the history of this world have become the stable of the poorman's diet.

Mr. President, in this last sitting of the House there were a lot of unjustified and unwarranted words said in regards to this motion. I will try to clear my side of it today, I hope I do not have to come back on it when I debate the Throne Speech next week, because in debating the Budget Speech last year, I stood on my feet for over a day and debated that. I would like to get out of here quicker this time, but I may have to come back for a week on this issue next week.

Mr. President, I am going to seek permission from you as the President of this House to allow me to refer to the Hansard of this House, which is a transcript, supposed to be factual of the actual words spoken in this House.

I refer to the Hansard of this House of the 15th of November, 1979, when I spoke in support of this motion which has now brought forward the Bill. On page 26 of the Hansard these were my words:-

> "Mr. President, in my usual blunt way I will say that I think it a bit ridiculous for us to come into this House today, and in any way oppose a measure for the reduction of taxes which we have been told will amount to about $75,000 next year, when we are talking about a Budget for 16,000 people of a little over $26M. I would be the first one to stand against this motion if the finances of the country could not allow it.
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> We must continually think about all classes and conditions of people in our community. We must think of the average man on the street, the affluence that is in this society today cannot be enjoyed by just a few people. If the man on the street cannot enjoy some of this affluence there is not going to be any affluence here for none of us to enjoy, so this must creep down into the lowest crevices of the country, and everyone must be able to take advantage of it.
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> I myself do not eat chicken or eggs or any place they go, but there are a lot of people who enjoy them, and in this country whether we like to admit it or not, chicken has become the poor man's beef because in most cases they cannot afford the expensive cuts of beef. And we would not be doing our duty to the country if we did not face up to this obligation.

HON. JAMES M. BODDEN (CONTINUING): This is not a move to enrich the votes for the politicians in the next election. Thank God we do not need it. We have already been counted, and our reputations can stand against anyone who may come up to face us in the next election, should we live to run in it. Let us get this foolishness out of our minds about every time you try to do something that might be good to people, that it is being done to enrich the votes for politicians.

We are presenting a Budget with a very large surplus and we have been able to put into reserve a large amount of money, which has not been done in a long time in the history of this country. And I for one am not against getting up here and saying that the credit for this does not go alone to the Civil Service side of this Government, it goes to the Elected Members of this House, and whether they like it or not the four of us in the Elected Executive Council have worked in every way that we could to ensure that the money was spent wisely, and that there was money there to be spent, and we have supported every measure that would have given the country money. We have been into some very tough negotiations, and thank God, if I have to say so, we have worked to become a very good negotiating team, and every time we have negotiated the country has benefited, and benefited tremendously. Not one of us has gotten a penny out of it.

I will remind people today that you can have affluency, you can have a great society, but as the Bible has told you, the poor you will have with you always.

We do not have to be reminded about the recession. We have had the recession pushed in our faces since 1972. I am hopeful that we can continue on the course that we are in today, but if there are pitfalls ahead, if there are hard times ahead, believe me the four of us are quite capable of seeing that the country is directed through them in the right way, as we did when we took over in 1976. And if the good Lord helps us that we can have a better year next year than we have had up-to-date, we will be back here proposing to take off some more duty.

I feel strongly that if I want to wear a ring that costs me $1,000 or a watch that costs me $1,000, that is something I can do without, and I should pay something for it, but do not tell me that we must not give the poor people a chance when it comes down to the necessities of life, such as the poor man's beef, chicken and potatoes. But if some Members feel strongly against this, there is always the remedy of bringing a motion to the House and having it debated. It may not be passed or it may pass, but at least if you believe strong enough in something, stick your head out even if it gets chopped off.

If we, the Elected side of this Executive Council find that next year the Budget is not living up to the expectations in regards to the amount of money coming in, we will be the first ones to get with the Financial Secretary, as he knows that we have done month by month, and say, "Let us review the position of the country, let us know what money is available, let us know how we stand, let us know what money left in certain departments and what has been spent". And when we find out that there may be trouble in one department we curtail the spending until things have caught up. That is the way we have run it, strictly like a business, and that is the way we will continue to do it. So, you do not have to paint a picture of gloom to us, we have been through the gloom, and now we are looking at the sunshine".

That was about 80% of my speech on this particular subject in this House last November.

I would like to let this pass, and I would have been prepared to do so, but it was alluded to, even in the presentation this morning.

I do not like to see a House devided against itself, but neither am I going to stand on my knees while someone is behind me kicking me either. I do not have to play politics, I can stand as my other three colleagues in Executive Council, and the other eight Members of this House on the reputation that we have put to the country in the past four years, but it hurts me and I am glad because I will admit to anyone, I usually have a fiery temper, but if someone

HON. JAMES M. BODDEN (CONTINUING): had made that speech to me it would not even had fired my temper, but I am glad that in the winding up of the Budget debate last November I was not on the floor of this House.

So I am going to refer to that other part of the Hansard that dealt with this on the 20th November, and the reason I am doing that is the divisiveness that this could have brought in the country, it was played up by the Newspapers, it was played up by the Radio and I do not know whose attempt it was to make me look like a fool. I may be a fool, but I have been in this House for eight years and thank Christ I have tangled with the best of them and not even the Second Official Member's predecessor who was supposed to be one of the best brains ever imported in this country was ever able to throw me in a debate or on legal points either.

I did not belittle anybody in that speech, I did not whip anyone like a little boy, I gave credit where I thought credit was due and I will always do that, but I would not give my father credit if I thought he did not deserve it. This was the reply to those words:-

> "Finances have got to be administered, there has got to be control and unless this is part of the administration, you know there are people and Departments that can spend money without due consideration".

I do not think that was a fair comment to allude to the four Elected Members of Executive Council and their Portfolios.

> "Mr. President, what I am a bit disturbed about, is that in recent times if I am not prepared to go along with every financial proposal put forward in this House, I am treated like a little boy and flogged with words from the House".

You Members have been in this House, the same as me for nearly four years, let us go back and go through the Hansards and find out when this happened. Is this man dreaming?

> "To my mind if a debate in the House is not to the liking of any Member, then there is not need to end it with embarrassing words. I am sure that in parliamentary procedures, debates can be countered with supporting grounds for a motion and it is left entirely to the Members of this Assembly to either accept or reject, I do not see the reason for anyone to take time out to lash a Member because he said something that did not support the motion or a matter presented to this House.
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> Mr. President, I am also concerned that when the right to give advice in this Assembly by any Member on any subject for which he is responsible, is no longer enshrined with freedom then it is time to be concerned".

Yes, those were the words of the Financial Secretary and I agree with him because any Member in charge of a Portfolio, it is his right and his duty to stand up for his convictions. But, Mr. President, we have not truthfully treated the Financial Secretary or any other Member of this Cabinet in that manner. These are words of divisiveness and are not necessary. But we must remember also that there are sometimes things that we may not fully agree on, but this Cabinet does work on a consensus vote, and the agreement from the majority of this Cabinet, was that that motion which was being placed by a Member from the other side of the House would be supported by this Cabinet, And when six Members of this Cabinet decided to support the motion, then I felt if the other Member wanted to dissent, he should have dissented among the seven of us and not brought it out to the floor of this House, and those were my fe elings then, those are my feelings today.

The four of us here that represent the Elected side of this House, it would be impossible to think that we would agree completely, and on every issue, but we meet and we thrash it out and then when we come forward with it, we come as one. That does not mean it may not have been a lot of weeping and gnashing of teeth before that to come to that conclusion, but when that conclusion is reached the four of us go as one person.

HON. JAMES M. BODDEN (CONTINUING): I will follow on with this speech:-

> "But the pride which I took in delivering the Budget Address is no longer taken in the spirit in which it was delivered, and to me now it could be likened unto the statement which was made about mosquitoes. That means if one does ninety-nine and the last is not accomplished, then he has done nothing.
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> Mr. President, I do not want bouquets thrown at me and then I am lashed afterwards, I am no little boy. I think that Members over the past have treated me with a great deal of respect, and I do not feel that at this stage I can stand here and be treated like a little boy".

I still want to know how the speech I delivered in this House should have brought this kind of statement to the floor of this House, I did not try to treat anyone like a little boy. I am always mindful of the feelings of people, but let me remind everyone in this House and everyone in this country, that neither am I any little boy; my diapers were changed and thrown away many years ago. I am always reminded of the story of the flea riding on the back of the elephant, after they had passed over a newly built bridge the flea tapped the elephant on his shoulder and said, "boy didn't we shake that bridge". I consider that it is much too bragging.

Mr. President, I am not trying to boast, I do not like to boast, I do not have to boast, but I can boast. And this is what I will go on the platforms in these Islands, from one end to another and tell them, God's willing, before this next election is out, because for once in the history of this country then (if I may be blunt) you have had a Government that has stood firm, and not on their knees. And we can look back on the accomplishments, and I am proud to say, and therefore if you want to say that I am bragging, yes you can tell me I am bragging, because I feel we have a lot to be bragged about. This did not happen by accident, we have worked hard, we are willing to give credit to everyone else involved with it, but let us not ever believe that this was something that happened by accident or happened because we had a very good Civil Service. I give the Civil Service credit, but the policies are what have helped also, Mr. President.

Here is a reference to a loan, I knew that that one could never go dawn in a meeting without some reference being made to it. One was entered into recently, guaranteed by this Government, and Mr. President, the loan is reapyable over six years, and during that six years the interest alone will amount to the principle sum.

Mr. President, that loan could have been printed in this book because it is the Cayman Airways loan and it is guaranteed by the people of this country, it is guaranteed by the Government and it is for the good of the people. Jim Bodden has not gotten a free ride out of it other than for the few times that I have been - which are usually paid by Government regardless of which Airline I go on anyhow, I do not get anything out of it, it is nothing personal for me, but it is personal in this extent that I am a Caymanian, and I am a very proud Caymanian of my nationality of being a Caymanian. And if we are paying high interest rates I cannot control them, those high interest rates are not in board rooms other than in Grand Cayman and it may even get higher - I hope it does not. But it is much better to pay the interest and to pay the note on the plane, and one of these days come out owning it and during that time being masters of your own house than to be a servant in the House of the Lord for someone else.

In those days (I am going on further) Civil Servants took a very prominent part in the activities of the country, today Civil Servants are portrayed in some instances as deceptive looking creatures with no status whatsoever. The reason is that politics have found a new dimension in the community and so Civil Servants are no longer what they stood for in the community. I think, Mr. President, that the Civil Servants of this Government have stood the heat of the day for a very long time, while other people roamed the world.

Mr. President, I do not know what I can say on this more than I have said many times before, I do not look on the Civil Servants of this country as a group, I look on them individually. I have the greatest of respect for many, many, many Civil Servants while I have but very little for a few. I was taught, I was brought up, I have lived my life by that precept that a man must work for his daily bread, and whether you are a Civil Servant or what you are when you steal a man's money because you get paid and you do not work it is just the same

HON. JAMES M. BODDEN (CONTINUING): as if you had stolen it out of his pocket by putting your hand there when he was not looking and taking it out, there is no difference. Besides, Mr. President, man of himself loses the biggest thing he has which is his esteem as a man, when he becomes a lazy degenerate because there is no pride left in him at that point. Sure, print it in the underground newspapers or anything else you want to, I am saying today that that type of Civil Servant or that type of employee, Jim Bodden has no time for him. The good dependable reliable ones - (and thank God they are in majority) I will support them to my dying day, but not the other ones.

The Civil Servants have played a very prominent part in this country from its inception. They are still playing it, they will play it as long as the country is a country, but Mr. President, let us get one fact straight, politicians of the past may have been run by the Civil Servants, but this country like every other country has changed, and the days of a politician being dictated to by a Civil Servant are past, be it me or any other politician that sits into this House, it is the nature of the beast.

A politician must endure many hardships, many attacks, it is not the easy life that some people may think it is, and let me tell you as long as I am a politician, as long as I have the confidence of the voters in Bodden Town there is no one who is going to dictate to me my stand. As long as I have the confidence of my people I will use the gray matter that the good Lord gave me. So we may as well get that straight I am not belittling anybody, particularly my three other official colleagues in Executive Council who I have a lot of respect for, but do not come in public and throw water in my face because I am not of the type that will put a tail between my legs and slink away. They have stood the heat of the day and I respect them all.

Yes, Mr. President, I roamed the world, I carried the flag of Cayman abroad as a merchant seaman like nearly every one of my other colleagues in this room have done, and I am not ashamed to admit it, why should I be? To be frank with you, if I was not getting so old today I would not mind going back there again, now you can say that is heresy for me saying that too. But we had to roam the seas, we had to roam the world or we would have been here if none of us had gone away, if none of us had roamed the seas, we would not have been here eating chicken and potatoes, we would have been here eating each other.

I have heard that someone has said that this is costing the Government $100,000 in lost revenue. I do not know if that figure is correct or not, but I hope it is because for once the Government can afford to lose it. We were told when we asked the Financial Secretary what the loss of this would be, we were told that from his statistics, from his department that it may run $75,000. But I am not afraid if it runs $100,000, you have heard what the President told you about the first couple of months of the year, maybe it will get worse down the year too, but we will face that when we get to it, we are going to do what we can do now. It has been said that the people do not get the benefits, if this is correct then again something is wrong with the statistics that we the Members of Executive Council had been shown.

Some years ago one of the first actions of this new House was to take off the duty on rice. While we were going through this exercise we asked what records did we have on rice, what it was being sold for, (that is bulk rice). If my memory serves me correct, when we took off the duties some years back it was .40¢ per pound, sort of average at that time. We were told - we were given figures on this, at the present time some were .39¢, some were .40¢, one I think was .48¢ and one was .54¢. Of about six or eight places that were checked and the figures given to us only two places were sort of out of line, that was one for 48¢ and one for .54¢, I am not telling you who they were. But you must remember that over the past three years, nearly four years now, prices throughout the world have been going up, it is costing much more to import things into the country, yet the price in most cases were still cheaper that it was three years ago. So do not make a blanket statement and say that the people are not getting the good of it, let us just throw the heaps of cold where we have to. Some people are decent enough, some people are honest enough that they will pass it on, the others will not and they will have to live with their consciences just like some of my fellow Members in this Assembly will have to live with theirs. Thank you.

HON. G. HAIG BODDEN: Mr. President, John Fitzgerald Kennedy once said that it was his experience in Government that when things were non-controversial and well co-ordinated, nothing was happening in Government.

I understand from one Member's debate that prominence was given to the matter of the removal of import duty from potatoes and chicken. I am one of those people who pay little attention to the radio or the newspaper, because I discovered long ago that the man who does not read the newspaper is much better informed than the man who reads nothing else but the newspaper, and so I try to spend my time reading other publications than the local newspaper or listening even to the radio station.

The question before the House was settled in November last year when a Private Member's Motion was adopted, I believe, unanimously or almost unanimously by this House - in fact it was unanimous I believe, that the duty would be removed from chicken and Irish potatoes. What is before the House today is the amended Law to put that action into force.

The question has arisen that there is a possibility that the Government may lose in revenue from these two sources an amount which may range from $75,000 to $100,000 per year. I believe this Government is in a position to lose revenue from this source, because this Government has been responsible for and can take full credit for enlarging Government's revenue in other sources, and I will mention but two of these sources.

In the Throne Speech it was mentioned that Government's revenue in 1979 from the stamp duty collected on the sale of land amounted to $3.2 million and that revenue for 1979 was a direct result of the action of this Government in scrapping the 1975 Development Plan. This Government was elected to do exactly what they have done to bring back development to the Cayman Islands.

The second item of revenue which was a direct result of the action of the present Government is the revenue from the oil transfer. That revenue this year, which did not exist before 1976 has averaged $100,000 per month or $1.2 million per year. So, if in only two areas the revenue generated by the policies formulated by this Government can be counted in the millions of dollars, it is quite fitting that we could lose $100,000 on chickens and potatoes without there being a minus position in the revenue.

One of the big contentions surrounding the removal of import duty from any item is that the local merchants do not pass on these benefits to the public. I am not to judge whether this is done or not, but we can look realistically at the items we are dealing with, and we can examine mathematically what the amount of duty is on any specific item.

At a check made today in one of the leading supermarkets the going price for chicken is .88¢ per pound and the price of potatoes . 21¢ per pound. It does not take somebody with a degree in mathematics to arrive at a reasonable figure for the value of the duties paid on these items. I do not know the markup which merchants charge on items such as these, but it is a standard practice in the world of commerce for a 20% markup to be made in a supermarket on items on which there is a big turnover, yet on the other hand there are items which are easily perishable. So, assuming that a price of .88¢ per pound for chicken includes a 20% markup, this would mean that the merchant would be making a profit of .14¢ per pound, Subtracting the .14¢ from the .88¢, it would leave that the entire landed cost of that product would be to the merchant .74¢, and if this .74¢ included the import duty at 15% it would be easily established that the amount paid to Government on each pound of chicken, would be roughly .9¢, the 9¢ including the duty to Government and the merchants' markup on the duty which he had paid.

So, if prices remain the same it would seem to me that a price differential of between 8¢ and 10¢ would result to the consumer from the removal of the import duty. If we take a look at potatoes we will see that the same thing more or less applies with a current detail price of .21¢, the merchant, if he applied a 20% markup would have paid for the landed cost of his goods delivered to his shops roughly 18¢ per pound for the potatoes. And if we here again pay a 15% duty and a 20% markup and on the 15% duty it would appear that the price differential resulting from the removal of the duty from potatoes could be anything between 2¢ and 4¢ per pound. So the removal of import duties on potatoes will not result in a 50% reduction in the retail price, it will be by conservative estimates between 2¢ and 4¢ per pound. But whether it be 1¢ or whether it be $1.00, we must remember as has already been mentioned by

HON. G. HAIG BODDEN (CONTINUING): a speaker, that chicken and potatoes are today staple items in every home. One Member mentioned that chicken is the poor man's beef, and this is so because the price of beef is about double that of chicken for some of the cheaper cuts and tenderlion cuts are now selling for between $4.00 and $5.00 per pound. The overall look at Government's position indicates that the step that is being taken today is warranted and justified.

In one more reference to the Throne Speech I will say that it is indicated that our reserve could easily be $5M, a target of three months recurrent expenditure. And so it will not be necessary to impose property taxes and land taxes and income tax, as the opposition was hoping would have been imposed if Cayman Airways acquired a jet, so the action which we are taking today is justified on economic grounds. I am not saying the Government does not need the $100,000, Governments are like people there is never enough, but there will be no increased taxation in other areas in order to balance this year's Budget. And while I promised not to allude to the Throne Speech again, I must say that it must have been written with this particular Bill in mind, because the opening statements say that "the three months progress since the Budget Address in November 1979 have been even for the Cayman Islands a significant amount". And so that while in November 1979 this Legislature took the position that it had carefully weighed the revenues of the Islands and that the Private Member's Motion to remove the import duty was justified at that time, I must say that the credibility of that action has today been reinforced three months later.

In taking the action which this amending Bill will make certain, this Government is only but continuing upon a pattern embarked upon since the 1976 election.

When the 1979 Budget was presented in November 1978, this Government at that time removed rice, salt-beef and milk from the list of dutiable items, and I am sorry that this action came a little bit late to benefit me as I no longer eat potatoes and rice. On the first of January, I went on a programme to control my weight so that I will be in good shape for the forthcoming election, and I personally will not benefit from the removal of duty on these items milk, rice and potatoes, but nevertheless, these are items which are found in every home. The argument could be made out that we will have this year 200,000 tourists and they will eat a lot of potatoes knowing the Americans love the french fries and that the revenue loss to Government will be enjoyed by the tourist who will have 2¢ removed from his bill for every pound of potata that he eats, but even if 90% of these consumable products are devoured by the tourist, still there is that 10% that goes down to the man in the street, who knows the difference between potatoes when they are priced at .21¢ per pound and .18¢ per pound.

So our ample justification for the removal of the import duty is nothing short than a laudable commendation for the action of a Government. And one of the great writers of all times said that Government is not only a business, but Government must have a heart. And I feel that this Government's action today in the continuation of a programme embarked upon long ago is well suited to the times in which we live. As mentioned earlier rice, salt-beef and milk were removed from the duty list by this administration, the import duty on automobiles was decreased from 33-1/3% to 27½, the duty was removed from all agricultural implements and there was even a scheme for the removal of duty for small industries.

So today we need not feel any trepidation at what we are doing, we can make our actions loud and clear and know that what we are doing here today is sound business practices, reducing the cost where the cost hurts most, particularly when there is no need to increase the taxation in any other area. And perhaps the time will come, and I would say if these present Members here today had perpetual existence upon this earth it would come that it would no longer be necessary to charge import duties upon any item of foodstuff, because the transformation that their policies have brought over the short three years of their domain have been spectacular.

We have moved from November, 1976 with a large deficit inherited to one of a plentiful surplus, and it is a situation of which we can truly be proud because for the only time in the history of the political life of this country, has the opposition found itself in a great dilemma. They have told the public that all we have done has been wrong, yet everything has turned out right. And so within the next six months they will have to go back to the

HON. G. HAIG BODDEN (CONTINUING): public and say, "We tried to deceive you, we did not give you the true facts and we now must admit that the actions of the present Government have shown results which indicate that all their actions were correct and that we the opposition made a serious error".

Fortunately for us, the time is not long enough for them to explain this to the public, the public needs no explanation, the public can point to the removal of duties in this an election year, when it is necessary to have plenty of revenue and say, there goes those good old boys.

MR. PRESIDENT: Are there any other speakers? Does the Honourable mover wish to reply? Sorry, there is one more speaker.

HON. TRUMAN M. BODDEN: Mr. President, the Customs (Amendment) Law, 1980 is good. I think we have to always remember that the money of this Government is the people's money, whenever it becomes possible to give some of that back, it is the duty of the elected Members in this House to do so. Our duty is to the people and our duty is not necessarily as with other Members who are not elected to specific aspects of the portfolio.

The benefit that goes back to the people should not be clouded in any benefit which is ancillary to this relief of taxes. If in fact the hotel industry does get some relief from it, then if it encourages more people to come here the direct result will be that we will make far more than perhaps the twenty or thirty thousand that does go in that respect. In any event our primary duty is to the public and we should not be mean at this stage when this money represents what is a very small peanut in a very large and surplus state of the Government. The retailers, I feel, should have a responsibility to pass on

MR. PRESIDENT: If the Honourable Member will take an interruption - the tape has run out, so if you would cease speaking for a few minutes until the tape is changed.

HON. TRUMAN M. BODDEN: Mr. President, in this world we have to live by the give and take principle, if we constantly take, then ultimately we will not be able to give at all. And this is one time when this country is capable of giving back to its people some of what has been taken both at present and in the past, and I feel that this House should be honoured to know that it has put this country to a stage where it can repay some of the taxes and the debts which our people have contributed in the past.

The responsibility of the Elected Members is as Professor Wade has always put it, "That they must keep their ears to the ground to detect the rumblings of the electorate". And I think at this stage when we are in a position that we can repay a part of what this country has contributed back to its people, we should not cloud the issue, we should not forget that we are merely repaying and not giving as has been stated before, that our overriding duty is to our people and if in the long run we can ease the burden of the man in the street, then I think that we will have discharged our duty to our people fully.

I support this, I think it is good, I am very proud to be associated with it and I am not worrying about the $100,000 loss at a time when this country has shown its financial capability in all aspects and is merely now showing its feelings and its contributions back towards the people who have really put us in this House.

MR. CRADDOCK EBANKS: Mr. President, I am not going to prolong the debate, but I think most of it has already been covered and well covered, it is justified. But there is only one thing that I have taken great exception to, and that is the news media carrying false information to the public, because only a few days ago this Bill was mentioned on the Radio as being such a controversy in the November sitting, and I do not know why it became so controversial, with 13 Members who were in favour, supported the Motion, and then one or two did not, how did that become so controversial? It appears that they are always anxious to balloon these things for what reason I suppose is quite understandable.

MR. CRADDOCK EBANKS (CONTINUING): As the last speaker has just said, the First Elected Member of Executive Council, that we are only returning a bit of the labour from our people, taxpayers. When taxes are raised on any commodity the poorest bears the same burden as the rich with no exception, there is no sliding scale or system in taxation. And if we find ourselves in the position or it is possible, that this daily family commodity will be asking for exemption from import duties so that they may be able - or the poorer class of people who use more of this type of food, would be eased by a few cents on a pound of chicken or potatoes. I think it is reasonable, and I will say, Mr. President, that there could come a time that it might be necessary to reinstate some of these duty-free commodities to get money for the country, but as is presently, we are in a reasonably good position, we have reasonably good finances, there is a lot of development, a lot of work, a lot of money flowing in and out of the country, then I am sure the public on the whole will appreciate the effort even if it should be true.

As the public has expressed on many occasions, they do not get the benefit of it as it has already been said, we will leave that to the conscience of the importer and we do hope the public will get the benefit of this. It is not that easy to see because I am aware of the fact that importation fluctuates up and dawn, and chicken that has been selling at .70¢, .75¢ or .80¢ per pound, it could not take a slash to .30¢ per pound, (some might think it should). So, in the light of this one shipment may sell for .70¢ and another shipment may sell for .72¢. Well the public will get the little bit.....they say well, you see we are not getting anything because it was 70¢ last week and this week it is 72¢, but as you see it is, it is up and dawn with prices and cost.

Only yesterday I made an overseas call to a company for some shipments, I told them air freight, but they say your air freight rates are so law that we are going to charge you a surcharge on this to make something on it because your air freight rates are law a surcharge. So you see all of these things come in and the public is not aware of what the importer is faced with. When I commit myself to say that a certain commodity or imported items that sell for so and so, when - like I was told yesterday, a surcharge would be added, then if the price should be $1 more, I have to be the person who has committed myself to say that the price was so and so.

But I feel, Sir, getting back to the Bill before us, that I give it my support and I hope that the country does not suffer in any way for the loss of this amount of revenue, and that we will be able to find ways and means to carry on and meet the demands and requirements of running the country without having to go back to this at least for a long time.

So I give my support to this, Mr. President, and as I said, I hope that it will work out that the public will get some benefit, and I know they will.

HON. CHARLES L. KIRKCONNELL: Mr. President, when I saw this quite straightforward Bill, apparently very simple, straightforward I did not think it would spark so much debate. However, in looking back through history I noticed that so much significance was placed on the chicken that Henry IV, King of France (1539-1610), speaking at his coronation said, "I hope to make France so prosperous that every peasant will have a chicken in his pot on Sunday". So from olden days, Sir, the chicken as simple as it looks has played a significant part in politics.

I would say, Sir, that I think we have moved in the right direction, I believe we can afford to pass on to the ordinary man in the street a few pennies savings in spite of the fact that we have such an affluent society today. The cost of living just continues to increase day by day taking away what little advantages he may get by an increase of salary. I do feel that it is the duty of this House, if we see and we have seen by the figures given that we are in a position to relieve the public and to ease up the cost-of-living in a very small but significant way.

I do not propose, Sir, to say that it will be the campaign slogan of the Elected Members on this side of the House, but it was the Republican slogan in 1932, they said, "a chicken in every pot". Let us hope, Mr. President, that the move which we are about to make today will put a chicken in the pot of every Caymanian. Thank you, Sir.

HON. V. G. JOHNSON: Mr. President, I am glad that we are not removing duty from the turkey because that is the traditional bird of the day.

Mr. President, I want to thank all Members who debated the Bill. I have nothing to say other than I think that it is good whenever there is a bothersome discomfort on one's chest to the extent that it might disrupt the digestive organ that we should remove it, that has always been my view.

Another thing, Mr. President, I would say is that there is a vast difference between one's view in supporting a motion or in opposing a cause. The grounds in each case are always convincing and attractive and it all depends on which side we stand. I am not afraid of threats whatever I have to say I will say it, but I think we have said quite enough on this small subject that we bury our differences. The Bill has been debated, Mr. President, and I recommend it.

MR. PRESIDENT: The question is that the Bill intituled "The Customs (Amendment) Law, 1980" be read a second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: At this point I will suspend proceedings until 2:30 this afternoon.

HOUSE SUSPENDED AT 12:45 P.M.

HOUSE RESUMED AT 2:30 P.M.

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

THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980.

FIRST READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Legal Practitioners (Amendment) Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980.

HON. D. R. BARWICK: Mr. President, Sir, I rise to move that a Bill intituled "The Legal Practitioners (Amendment) Law, 1980" be now read a second time.

The Bill, Sir, is designed to amend The Legal Practitioners Law, 1969 in two important respects, the first of these relates to the subject of legal education. The Bill lays down a ground work which will enable a system of legal education to be instituted locally, a system under which persons will be able to become fully qualified to practice as Attorneys-at-Law without having to leave the shores of these Islands. The system will involve a combination of practical experience while working under the supervision of a qualified Practitioner with academic attainments in purely legal studies.

The terms and conditions under which the practical experience is to be acquired will be regulated by articles which conform with statutory guide-lines to ensure that the interests of both the pupil and the master are properly served.

The need to introduce this Bill at all, Sir, arises in part from difficulties now being experienced in obtaining suitable places for persons from these Islands to study Law overseas. Recent changes in the system of legal education in Great Britian for example, are designed to limit as far as possible the legal tuition there available to persons who intend to practice for the rest of their lives in the United Kingdom.

Again there has been a noticeable reluctance on the part of some Caymanian students who are qualified to take up the study of Law, to do so when alternative opportunities, which rightly or wrongly, appear to them today to be more attractive are available.

HON. D. R. BARWICK (CONTINUING): So in recommending the Bill to this Honourable House, I wish to make it abundantly clear that the Government is determined to see that the tuition and the training which the amendment will make available are to the highest standards. Those who qualify here must be every bit as skilled and able as those trained anywhere else in the world.

While the details of the courses have yet to be settled it is intended that the examinations be set and marked by independant external examinere, and that the standards required to pass will be equivalent to those in other Commonwealth countries.

This will be essential if the specialized and highly technical services which private legal practitioners are called upon to provide for the financial community are to being acquired by Caymanians.

The form of the legal education, Sir, under Bill, as it is presently framed is a matter for the Government, not for any other institution, but to ensure that the views of all branches of the profession are taken fully into account, the Bill provides for a Legal Advisory Council to advise the Executive Council, which will consist and be headed by the Chief Justice for the time being, and will also be comprised by a legal practitioner an Attorney-at-Law in active legal practice, and the Attorney General for the time being or some other Government lawyer nominated by him.

In placing the measure before this Honourable House, Sir, I am pleased to be able to say, that consultations on explicit provisions have taken place with representative members of the local bar, and that the need for a Law of this kind has been accepted by them. The Bill has in fact been welcomed by some leading members of the profession here in George Town.

In the main, any reservations which have been expressed stem from a desire to know all the details of the systems before they give their final blessing, and I think this is understandable. But in that regard I would like to give all concerned the assurance that the fullest consultations will take place, and that when the system is instituted, and I hope that will be towards the middle or the second part of this year, it will be as good as any that can be devised.

Also in this Bill, Sir, Honourable Members may have observed with some interest provisions enabling the fixing of rates for the remuneration of private practitioners in matters which do not involve the courts. Cost andscales of fees in court preceedings are already provided for in Laws relating to the Judiciary.

Here again, Sir, the legal profession has accepted the ultimate right of this Honourable House through the Laws it makes to control the fees and costs they charge.

From this side of the House, Sir, I would like to make it quite clear that the power contained in this Law will be used in a fair and balanced way, again after full consultation with the profession itself. The provisions relating to costs are not introduced, Sir, to harass one important section of our professional community, but are intended to ensure that the charges they impose, there are reasonable relationships to similar charges elsewhere and particularly in financial centres such as our own, and that they are fair both to the Practitioner and to his client.

Mr. President, Sir, I commend this Bill sincerely to fellow Members. While it is a considerable step forward in many ways where legal education is concerned, it is in fact only a bare beginning To ensure that the proposals succeed will depend on the skill, learning, integrity and goodwill of many persons both within the profession and without it and both here and overseas. At the same time, Sir, in all the circumstances, it is felt that it is the proper answer to problems of legal education in this country and that the amendment will ensure progress at an acceptable rate is made towards the establishment of a truly local bar having the highest standards.

At the Committee stage of the Bill I propose to move two very minor amendments which have been suggested since the Bill was published. With those introductory remarks, Sir, I beg to move formally that the Bill intituled "The Legal Practitioners (Amendment) Law, 1980" be now read a second time.

MR. PRESIDENT: The question is that the Bill intituled "The Legal Practitioners (Amendment) Law, 1980" be now read the second time.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE H. BODDEN: Mr. President, I have heard the opening remarks concerning this Legal Practitioners Law (it is called), a Bill that will become Law and I will have to make some very lengthy remarks on this subject, Sir.

1968 (I think it was) was an election year and as usual in election whether it is publicly known or not, Sir, there are certain concessions granted for certain things. Well, in this particular year - I am not saying 1968, but anyhow around about that time, it must have been 1968, there were three applicants before the then Judge of the Grand Court to grant what was then known as Law Agents Commissions; there were three, I am not saying which three, but there were three. Well, the least qualified in my opinion of that crowd had been promised (I am not saying by whom) that if he did a certain thing he would get this commission to practice Law. Well, I said that if this particular individual was granted a license, which in my opinion he was the least qualified, the other two would get it automatically.

I remember sitting here, Sir, not in this Chamber the old Town Hall at a Liquor Licensing Board and a letter was brought into that Chamber - (I think Mr. Foster was the Chairman of the Liquor Licensing Board then) by one of those applicants, and it had a letter from (I am not saying who) but to the effect that we must grant this particular individual a liquor license at the Airport. I beg your pardon, it was not Mr. Foster, it was Watler. I said, "Mr. Watler if you dare open that letter here, I shall walk out from this Board". Well, he did not open it, but the man still got his concession.

Shortly after, the three appeared before the Judge and they were granted this commission, and the then practicing Attorneys-at-Law (or as they were called then Law Agents, citizens, Barristers, as the case maybe), decided in their minds, they would be the last three Caymanians who would get a Law Agents Commission.

So they set about, Sir, to draft this Legal Professional Bill. (I think it must have taken a year up and down between here and London to get something going). Well, they succeeded and this Law came into effect, it was designed - I am saying without fear of contradiction, to stop Caymanians from ever getting another Law Agent Commission. Then shortly after that, Sir, the Law Society was formed of which I was a founding member. Mr. Arthur Hunter, his father Mr. Clifton Hunter, W. S. Walker, James MacDonald, Warren Conolly, James MacDonald and Annie Huldah Bodden. We had this Society registered, and we were the founding members, we had by-laws and all the rest of it that goes along with such a thing, and we functioned, I would say for about two years, quite in order. Mr. Arthur Hunter was a very able Chairman and he continued for two years, then I think Mr. Walker, was the next to take over and we continued like that.

Well, after it started to get on a very personal basis. I was the secretary for about five years and at one annual general meeting I was supposedly again re-elected as the secretary. When the first meeting was held on the 3rd January (I think it was), when I went, I was told by the then president of that Society, "You can act as secretary, but you will have no vote". I said, "Mr., I have never taken anything second-class in my life". I resigned immediately and that was the end of my term there.

Well, it must have continued on - that is the Law Society. I received a letter not too long ago from some man who had been appointed as president asking me to consider my decision and come back to the Society, I said, "Not Annie Huldah Bodden, not me". Well, we were always agitating the fact that some method should be introduced in our Laws whereby local people could have a chance. It has been delayed up to now, and I will respectfully say, Sir, that pure unadulterated selfishness caused this original Legal Profession Bill, be that as it may.

Now, Sir, I do not class myself altogether as a Lawyer - I am more of a Detective, but I will say this whatever I am, I am an honest woman. These present firm of Lawyers (I am not saying all), but what I term the "white Lawyers" their fees are simply ridiculous and they do not stop short of anything that the most of them can get their money.

Only two months ago I made an agreement for a client who was selling some land, I sat down, took my 72 year old brain, I put that agreement together and I gave it to the man and said, "Take it to your company, let them sign this, if it is agreeable, if not bring it back and I will correct it". What do you think happened? The Lawyer in that particular office sat down, copied every word of my agreement, sent back one to me, the only difference was he had it

MISS ANNIE H. BODDEN (CONTINUING): in a blue back - I did not intend to put mine in a blue back because it had to be shipped overseas, and you know what he charged that man, $400.00 for that little job, and I never got a penny. So I am saying not only should a law be made to control the fees it should be their behaviour as well.

Now I am not a professionally trained Lawyer. From before I was 16 years old, I was working in the only Law Office that was in Cayman then besides the office of C.J.H. Goring, and I know the Laws of Cayman up to that stage and I would say up to 1963, like I know my Psalms.

When I was sick for five years, Sir, and without a penny left to my name, one day I was sitting down in my swing and God said to me, "You try and get a Notary Public Commission to try to earn a couple of shillings", because I had sworn never to work for people again. Well, I got that after some hesitation, it went to the Governor in Jamaica, signed by him and came back, but then that was only ten shillings and six pence, if I got a job. So, another voice said to me, "Why not try to get a Law Agent's Commission?"

Before that, Sir, I was copying documents, getting sometimes £1. 0. 0., and people were so jealous of me knowing all that I had suffered, they put a notice on the board in front of the Post Office, "Any person attempting to do any legal work will go in jail for six months". Dr. Roy McTaggart called me and said, "Are you doing any kind of work?" I said, "Well, I type some things like a document sometimes for £1. 0. 0.". Well, he said, "You stop that, you try and get yourself a Law Agent's Commission".

I applied to the Grand Court to the Judge they called Mr. Robinson (he was termed by some the "monkey Judge") but he was 100% a good man, and I applied, and because I said I wanted this Commission chiefly to do Chambers work. I was denied that because he said, it was whole hog or nothing, I had to be prepared to go to court or I could not get it half way.

Well, they even went as far as to go and tell the Judge, "Do not give Annie Bodden any Commission, she has plenty of money". I never had a penny in my name, the first month I worked I got £28. 12. 6. Well, I said I would re-apply, which I did, I went to the Judge's office took my examination verbally and he said to me, "Miss Bodden you are the first lady that has ever made such a bold attempt, and I want you to make me one promise". I said, "What is that, Sir?" He said, "Well promise me that if I give you this Commission that you will never let me down". I said, "Sir, before I let you down I will have to let myself down and I will never do that". I got the Commission, thank God, I practiced, but I practiced most of the time for nothing and my fees are very simple, I never go into these big $750.00 a day retainer and $500.00 a day, I practice very simply. I try to do the work to the best of my ability, I do not put myself in the category like the First Elected Member of the Executive Council, because although we disagree on a lot of points I will hand it to him, he is a good Lawyer, he knows law, I do not put myself in his category, but I will put myself above him in experience because he is a baby to me and I have had experience from the time I was 16 years old.

Now, Sir, I am not opposed to this Law, what I am opposed to is the fact that we might have people here who might take advantage of these people who are about to be trained - these articled young men, whoever they may be, or women, as the case may be. And I feel, Sir, that we should do everything to assist our younger generation, that is, providing they have the ambition to work. Now, it is not going to be a very easy job, Sir. When I went to work in Mr. Parsons' office, I was - I called myself a child, that is where I learnt the value of prayer because like most men he believed everything he did or said was right, if a paper was lost it was Annie Bodden had misplaced it, perhaps I had never seen it, I had to pray very ardently for God to open up the way that I could find this paper, which He did. I continued working there, I had served in the Court House, because after Mr. Parsons became the Clerk of Courts, in those days he got £12. 0. 0. a month, no secretary, no anybody, and for gratitude I would go there every Friday and Saturday make up all of the accounts for him to turn in, fines of courts. If ever there was a Coroner's inquest I had to type every bit of those statements free of cost, not a cent. I know the workings of the Court House.

My special concern is in land, I will not take a criminal case and neither will I take a divorce case, but my speciality is in land and I try my best in my humble way to do all I can to assist people who are less fortunate than I am. A man told me up to yesterday, you are the poor

MISS ANNIE H. BODDEN (CONTINUING): people's Lawyer, you are the only one they can afford to go to see if you can get free advice. I even have to take my telephone off the hook, because in the nights people call me from West Bay, Cayman Brac and all over the place to get advice about certain things. I try to endure as much as of it I can, then I have to give up. So I feel, Sir, that it is very, very, very essential that we get some people to train as Lawyers.

As I understood from the Second Official Member, it is sort of hard to get a place for these students to go abroad, so, if this can work I welcome it, but I would like it clearly understood, Sir, that I do not think that the majority of these law firms are going to be content with fees being fixed by the Government or the Board or whoever it may be. I do not think they are going to agree to that, because those who are practicing now they must be multi-millionaires, because the job that I will do for $200 to $300 (if I got that) - they charge thousands.

I had some cases in court recently, land cases, and before the people looked at the papers - $750.00 down, $500.00 a day. I had a case recently, it was lost because the lawyer who was employed - which I had to pay $1,000 to on behalf of my client, I was so ashamed of the case being lost that I never charged one cent for my services. I feel, Sir, that this has a lot of merit but it must be exercised properly. Thank you.

HON. TRUMAN M. BODDEN: Mr. President, I think that the Lady Member who was a member of the Committee on articles about seven or eight years ago when this began, I am sure is happy to see that finally after nearly a decade has gone by that the law is finally coming in, be it only in an enabling form for the introduction of articles. A very long time ago the Lady Member and Mr. Hunter from the private sector and myself sat on a Committee and recommended and we could never get it any further than the recommendation, but at least I am happy now to see that finally it is coming to the House and finally I think we will have machinery set up so that local lawyers will be able to be admitted under an articled system.

I believe, Mr. President, that if this is worked right that it can be - and which it will be worked right, I am sure, a very great benefit to the Islands as the Lady Member has stated. Passing exams is one thing, but a period of experience is another and the articled system provides both, compared to the other side of the Bar where normally the exams are completed and a short period of experience not exceeding a year is normally carried out prior to entering into practice.

I am sure that the final exams or the exams in general will be of a high standard and that the students entering this, who probably will be having O'Levels only, as at present I do not think it would be possible to have any amount of students coming in with large amounts of A'Levels. that they will have to pass exams which are of a high standard and they will put in a period of experience under the article system which I think is inevitable.

I should just mention one personal thing is that I would remind the Lady Member that I am not as young as I look and recently I have turned senior at the Bar with some 11 years experience.

The system of training of our Attorneys locally, I think is very important, I have been lucky to have within my firm two young local Attorneys who qualified at the Bar and I believe that the period of spending time and effort to help them through that first difficult year, which is by no means ever profitable, is really worth it. One does get a certain amount of satisfaction and accomplishment to move a student green out of school in through a short period, and let him understand or her in this case - (because one student was a lady), that the passing of the exams is only the beginning.

In relation to the question of regulation of the fees and costs, while it may not always be a matter that is acceptable by everybody, I believe that any Attorneys who are being reasonable and fair in relation to fees can live with this, I have to live with it and the Lady Member will have to live with it and I see nothing wrong with that control being there. It is not something that is going to be made so low or so high depending on the minimum or maximum fee that an Attorney will not be able to live.

However, the provision of legal services is one of the foundations of democracy and freedom and I think it is important that the Bar of this country understands that there are times when money has to be forgotten and one has to take a case or act for a person who can never really afford to pay for those services, but whose freedom or - and I speak of that generally not just on

HON. TRUMAN M. BODDEN (CONTINUING): the criminal cases, but from the point of view of civil cases, for instance, land cases where I know I have personally had to do many that people may have lost property if they had to pay the normal fees that were being charged at the time. So, it is so basic and so specialized to a community that I do not feel that the Law Society or the Attorneys in the Island would object to having some type of control of this sort, which I am sure is going to be fair and it is going to be equitable when it finally is put into the Regulations.

What would be good, Mr. President, is if some day we could see a Legal Advisory Service made free to the poorer persons in the community. I know the Lady Member has done, I am sure many, many years and a lot more than perhaps I have, because I am as she mentioned somewhat junior at this, but all in all it does result in a very important part of one's contribution to the society and it is always rewarding at times to have a client come to you and say, "Well, look I could not pay you two or three years ago, but here is a box of mangoes or pears", or something to that effect.

So it goes somewhat deeper than the question of regulating any excess profits or fees that Attorneys could have, but I believe it will bring all of us a lot closer to realizing that the legal profession is important in a society and that our duty is very heavy and that we should be prepared to carry out that duty at times, even though it may not be as lucrative as other aspects of the profession. I support the Bill, and I would ask Members here to do the same.

HON. G. HAIG BODDEN: Mr. President, the law profession did not always enjoy the same prestige that it does today. I think it was the Apostle Luke who wrote, "Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers",. Luke 11:46. And Shakespeare in Henry VI said, "The first thing we need to do is to kill all lawyers", and the great essayist, Jonathan Swift, in writing "Gulliver's Travels", wrote a very despicable article, and I do not care to quote what he had to say. There is an English proverb which says that, "Three Philadelphian Lawyers are a match for the dead".

But over the last century the law profession has evolved as a very noble one, perhaps through the hard work and the dedication of some men who were committed to the profession of law and who worked hard to give it some recognition. And so today the profession of law takes its position alongside the most noble professions.

I support the amending Bill. To my mind it gives the school-leaver an opportunity to test the law profession, to see whether he will like it or not. Many people believe that the professions are all glamour, but most professions and most professionals who do well are people who work hard, not 37½ hours a week like most Civil Servants, but 50, 60, 80 hours a week; those who work from sun up and into midnight and pass midnight. And those Lawyers who have made it to the top are people who have put in more than eight hours work per day. And so the young man going out to work is often discouraged by the initial shock that the glamorous times are few and far between. A system of articleship would give the young person an opportunity to find out whether he would want to make the law profession his lifetime work.

It also affords an opportunity for a young person to be educated in a profession - which if it were not for the articleship, would be forever closed to all but the very rich, those whose parents could afford the necessary fees for tuition. The young person leaving school will now be able to attach himself or to have himself attached (if the firm will allow it) to a Law firm where he can start his studies, save his money and perhaps later on (if he so desires), go on to Law School.

The Lady Member described the history of the Legal Practitioners Law in the Cayman Islands and I agree with her that the Law as it stood in the beginning was a selfish Law - one designed to keep out Caymanians forever from the legal profession unless such people were able to go abroad and qualify as Solicitors or Barristers.

HON. G. HAIG BODDEN (CONTINUING): The amazing thing about this hitherto selfish Law, is that it was passed and supported by the very people today who on the streets are saying, "We are doing nothing for the youths". Many of the people who had a hand, in not only the passage of this Law, but the formulation of the Bill and putting the ideas together that if we get together we can keep this for ourselves, and nobody will be able to enter. But a new wind has blown into the Islands and Government along with people in the private sector are beginning to realise that man does not live forever and that succeeding generations will have to replace those people who today believe they are indispensable, and mother nature has a way of removing one by one all of the old heads and perhaps some of the young ones so that there will be space for a new generation. And one thing the study of history shows is what a small space is occupied by each generation in the march of time, and it is with such feelings in mind that this amending Bill is brought to the House.

Here will be an opportunity for young people leaving school with the necessary academic qualifications to enter a profession where through diligent work and a true application of their talents they can eventually find themselves with a profession that is very lucrative, particularly at the top for those who are well experienced and who have the ability, because in the profession of law, like in other professions, people can starve to death too. A man's earnings in any profession depends upon his ability to serve the public and the confidence of the public in the professional, depending upon the service which he has given.

The second part of the amending Bill will prescribe fees for as it says certain non-contentious matters, which I take that to mean matters like the making of documents and forming of Companies and such like. I have questioned, and so far I have not received a satifactory answer as to why it is necessary to set not only maximum fees, but also minimum fees. From my experience the minimum fee will never be violated.

Nevertheless, it is comforting to know that a scale of fees exists and I support the amending Bill in its entirety.

MR. PRESIDENT: Does any other Member wish to speak? I will ask the Honourable Second Official Member if he wishes to reply.

HON. D. R. BARWICK: I would like to thank fellow Members of this House who spoke, Sir, for their unstintingly given support. I thank the Honourable Lady Member for her valuable remembrances, (I always enjoy those), and I think she correctly, to my mind, identified two areas to which special attention will have to be given in implementing this measure, and I assure her that the need to exercise special vigilance in regard to them is already recognized.

I also thank the other two speakers for their wise and temperately expressed observations on a matter which some people might be excused for speaking strongly about. And as far as the very final remark from the last of the three speakers is concerned, Sir, when he gets a chance to look at the papers which have just been laid either today or yesterday, he will see that I have put down a notice of a second Committee stage amendment, (I did mention that I had two small Committee stage amendments to my name). They will remove the offending words and replace them with something more general, Sir.

MR. PRESIDENT: The question is, that the Bill intituled "The Legal Practitioners (Amendment) Law, 1980" be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: The Assembly is in Committee, we will deal first with "The Exchange Control (Repeal) Law, 1980".

COMMITTEE ON BILLS

THE EXCHANGE CONTROL (REPEAL) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. REPEAL OF THE EXCHANGE CONTROL LAW. (REVISED).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO REPEAL THE EXCHANGE CONTROL LAW (REVISED).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Exchange Control (Repeal) Law, 1980". We turn next to "The Companies (Amendment) Law, 1980".

THE COMPANIES (AMENDMENT) LAW, 1980

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF THE COMPANIES LAW.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE COMPANIES LAW, CHAPTER 22.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Companies (Amendment) Law, 1980". We turn next to "The Local Companies (Control) (Amendment) Law, 1980".

THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT. AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF THE LOCAL COMPANIES (CONTROL) LAW (REVISED).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE LOCAL COMPANIES (CONTROL) LAW (REVISED).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Local Companies (Control) (Amendment) Law, 1980". We turn next to "The Insurance (Amendment) Law, 1980".

THE INSURANCE (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT TO THE INSURANCE LAW, 1979 (LAW 24 of 1979).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE INSURANCE LAW, 1979.

QUESTION PROPOSED:

HON. V. G. JOHNSON: Mr. Chairman, I would just like to say this, that the public is saying that this Insurance Law was passed by the Legislative Assembly in September, 1979, and already there has been quite a number of amendments to the Law. What I would like to say is that there has not been a wider group of people examining this Law from the very outset. When the Law first came to the Legislative Assembly in September last year it was then thought to be a very well selected piece of legislation. Since then all the views that have been expressed resulting in the various amendments coming forward have been presented by the industry itself.

As far as Government is concerned, we thought that it was fairly well examined and that we had produced something that was a reasonable piece of legislation, but it is quite inevitable that in cases like this where there is a new piece of legislation and where everyday people are looking and examining the various applications, that they will sift out a few suspicious areas, and this is what we have been trying to do since then why these amendments have been coming forward. But it has not been caused from any lack in the Legal Department or in Government itself in preparing the Law I would just like to make that quite clear, these have been requests from the industry itself.

QUESTION PUT: AGREED TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Insurance (Amendment) Law, 1980".

We turn next to "The Insurance (Amendment) (NO.2) Law, 1980".

THE INSURANCE (AMENDMENT)(NO.2.) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 7 (1) OF THE INSURANCE LAW. 1979 (LAW 24 of 1979).

HON. V. G. JOHNSON: Mr. Chairman, the views expressed awhile ago really related to this particular amendment and not to the first one because the first one dealt with the exchange control package legislation.

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE INSURANCE LAW, 1979.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Insurance (Amendment) (No. 2) Law, 1980".

We turn next to "The Elections (Amendment) Law, 1980".

THE ELECTIONS (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 19 (1) OF THE ELECTIONS LAW (CHAPTER 45).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE ELECTIONS LAW (CHAPTER 45).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Elections (Amendment) Law, 1980". We turn next to "The Judicature (Amendment) Law, 1980".

THE JUDICATURE (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 15 OF THE JUDICATURE LAW (REVISED).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE JUDICATURE LAW (REVISED).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Judicature (Amendment) Law, 1980". We turn next to "The Fire Brigade (Amendment) Law, 1980".

THE FIRE BRIGADE (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF THE FIRE BRIGADE LAW, 1979 (LAW 21 of 1979).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: CLAUSE 3. REPEAL AND REPLACEMENT OF SECTION 8 (2) OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: CLAUSE 4. AMENDMENT TO SECTION 13 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 4. PASSED.

CLERK: A LAW TO AMEND THE FIRE BRIGADE LAW, 1979.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Fire Brigade (Amendment) Law, 1980". We turn next to "The Port Authority (Amendment) Law, 1980".

THE PORT AUTHORITY (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2. OF THE PORT AUTHORITY LAW, (LAW 15 of 1975).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

CLERK: CLAUSE 3. AMENDMENT OF SECTION 3 (1) OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: A LAW TO AMEND THE PORT AUTHORITY LAW. (LAW 15 of 1976).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Port Authority (Amendment) Law, 1980".

We turn next to "The Banks and Trust Companies Regulation (Amendment) Law, 1980".

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE .

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 4 OF THE BANKS AND TRUST COMPANIES REGULATION LAW, (REVISED).

QUESTION PROPOSED.

HON. V. G. JOHNSON: Mr. Chairman, there was a suggestion that the fee stated in section 2 which should be equivalent to one-third of the fee which should be payable for the regular licence, should perhaps be a quarter. I do not know what is the feeling of the House on this, I have no objection whatsoever to amend it to read 'a quarter instead of one-third".

HON. TRUMAN M. BODDEN: I am just wondering, Mr. Chairman, perhaps if we could not put a monetary amount in there, because with the "A" licence, they are paying $20,000 and with a "B" licence, unrestricted, it is like $7,500, so the difference for a nominee company could be quite a bit really. The purpose of it, Sir, has been to really just to allow the nominee companies too to be created to hold these shares and if we go too high we may not get them anyhow, and it is better to get, I think a reasonable amount. And perhaps if this could be fixed at a couple a thousand dollars, or $2,000.00 or something like that, because it means if it was a quarter an "A" licence Bank could pay an extra $10,000, which is a good lot of money to pay for a nominee company.

HON. V. G. JOHNSON: Mr. Chairman, it was being recommended on the basis of the licence, and there is quite a difference between the "B" licence and the "A" licence in value and in status, but if the Member feels that the one-third or a quarter or whatever the figure may be of the "A" licence fee is going to be restrictive or deterring as far as the licensing of subsidiaries are concerned, I would have no objection to name a monetary sum, say, $2,500 or something like that.

MR. CHAIRMAN: It has been proposed that Clause 2 be amended by substituting the sum $2,500 for one-third of the fee. I am not sure how this would alter wording of the Clause, but first of all I think we should find out if that is generally acceptable to Members the amount of $2,500.

HON. D. H. FOSTER: I am just wondering if this is what we really want, because if you put it at a quarter or a percentage, when the other one is upped maybe in a year's time or two years this would automatically go up as well, but if you fix this now whenever you up the other ones you are going to have to change this as well. I do not know how Members feel about it, I am really not too.....

HON. V. G. JOHNSON: Mr. Chairman, at the time that we are considering the fee under this Law, all categories will be considered alike, and it will be decided whether this particular fee will increase in comparison to the other fee to the other categories of fees. I do not think that should cause any problem at all, we are saying that for the present time we think the fee of $2,500 is reasonable.

MR. CHAIRMAN: If that is the general consensus I will take the gist of the amendment as approved at $2,500. I will now ask the Honourable Second Official Member if he could read out how the Clause will look, as amended.

HON. D. R. BARWICK: Sir, I think it is quite simply achieved by deleting all the words after the word "be" in the second to last line. So take out the words "one-third of the fee which would be payable but for the provisions of this proviso" and simply say "shall be $2,500".

MR. CHAIRMAN: Well, that is very clear, the 2 (b) of the Clause will now read, by adding the following further proviso thereto -

And provided further that the fee payable under this subsection in respect of a licence granted to or held by a licensee which is the wholly owned subsidiary of another licensee shall be $2,500.

MRS. ESTHERLEEN V. EBANKS: Mr. Chairman, what I do not understand about this, Sir, I know we have the improvement of licences, would it be fair that the one paying more for a business licence or whatever it is, should pay the same amount? What I do not understand is why should the smaller one pay the same $2,500. Could this be explained to me, Sir?

HON. V. G. JOHNSON: Mr. Chairman, this category is relating, as I have said this morning, to the subsidiary of a company which holds a bank licence, and the purpose of the subsidiary is really that it acts as nominee to hold shares, stocks and other valuables for the parent company. And so it is not preforming banking, so to speak, it is just a nominee operation, and therefore it does not matter whether it is holding shares, stocks or an "A" licence operator or a "B" licence. I think the status of the nominee company is the same in all cases, and this is the reason why we decided that there should not be a category of fees for this type.

QUESTION PUT: CLAUSE 2 AS AMENDED PASSED.

CLERK: A LAW TO AMEND THE BANKS AND TRUST COMPANIES REGULATION LAW, (REVISED).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Banks and Trust Companies Regulation (Amendment) Law, 1980".

We turn next to "The Customs (Amendment) Law, 1980".

THE CUSTOMS (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1. PASSED.

CLERK: CLAUSE 2. AMENDMENT TO THE FIRST SCHEDULE TO THE CUSTOMS LAW (REVISED).

QUESTION PUT: CLAUSE 2. PASSED.

CLERK: A LAW TO AMEND THE CUSTOMS LAW (REVISED).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Customs (Amendment) Law, 1980".

We turn next to "The Legal Practitioners (Amendment) Law, 1980".

THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980.

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF THE LEGAL PRACTITIONERS LAW, 1969. (LAW 9 of 1969).

QUESTION PUT: AGREED. CLAUSE 2. PASSED.

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

QUESTION PUT: AGREED. CLAUSE 3. PASSED.

CLERK: CLAUSE 4. ADDITION OF NEW SECTIONS 15-20 (inclusive) TO THE PRINCIPAL LAW.

QUESTION PROPOSED:

HON. D. R. BARWICK: Sir, there are two small amendments and I think I can properly say minor amendments, down in my name and I will explain them together and then move the separate rewording.

The first of them is, what will become if this Law is passed, the new section 15 subsection (6) of the principal Law. And it relates to persons within the public service, who will in fact, be serving articles, similar to those being served under private practitioners.

Rather than merely referring to the Public Service at large as the original Bill did, I have been asked by a number of people if we could limit the provision of that subsection at the moment, at the present time at least, to relate to the Legal or Judicial Departments only, as they are the only Departments which at present have practicing Lawyers serving in them. If in due time we have a Register General's Department, or we have qualified people in the Lands Department, no objection would be seen to those Departments being added at that stage to this Clause, but I think the persons who made these representations feel that the opportunity to serve in a capacity similar to that being served by an articled clerk, should at the present time be limited to those departments where the articled clerks can serve under qualified practitioners.

The second of the two amendments, I think hardly needs any explanation after the address of my Honourable colleague before the tea break was taken this afternoon. It is quite true that in its present form paragraph (c) of what will be the new section 20 is too restricting, it would prevent for example the doing of work for persons who could not afford to pay for it, and it could be hampering. It could also prevent what might be considered desirable when this subject is looked at more closely, and that is a system for the taxing of non-contentious costs, and not merely for the taxing of costs in contentious matters. So, the Government have accepted those representations, Sir, and it is proposed that rather than saying "prescribing the maximum and minimum fees", we merely say "regulating fees" and that will allow us to put down regulations which are flexible enough to take these representations into account.

So, I think, Sir, having made those words of explanation, I would like to move that the words "legal or judicial departments of the" be inserted in what will become new section 15 (6) immediately following the words "any person in the".

MR. CHAIRMAN: That will now read in 15 (6) of Clause 4.

> "Any other provision of this Law to the contrary notwithstanding, the Attorney-General may, where in his opinion any person in the Legal or Judicial departments of the public service is performing duties which are mainly legal in nature, certify that the period spent in performing such duties shall, for the purposes of this Law be equivalent in all respects to a similar period spent in the service of an Attorney-at-Law under articles and such certificate shall take effect according to its tenor".

If there is no debate, I will ask the Attorney-General to proceed with the second amendment.

HON. D. R. BARWICK: In paragraph (c), Sir, of the proposed new section 20, deleting the words "prescribing the maximum and minimum fees and costs" and substituting the words "regulating the fees and costs".

MR. CHAIRMAN: The new section 20 of Clause 4 under (c), would now read:

"regulating fees and costs which Attorneys-at-Law are permitted to charge for their services in respect of business connected with sales, purchases, leases, mortgages, settlements, companies, trusts and other matters, and in respect of other business, not being business in any action, or transacted in any court, or the Chambers of a Judge;".

QUESTION PUT: AGREED. CLAUSE 4 AS AMENDED. PASSED.

CLERK: A LAW TO AMEND THE LEGAL PRACTITIONERS LAW, 1969 (LAW 9 of 1969).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Legal Practitioners (Amendment) Law, 1980", and concludes deliberations in Committee. The Assembly will now resume.

HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

THE DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1980.

HON. G. HAIG BODDEN: Mr. President, the motion before the House seeks the approval of the Members so that a new regulation numbered 9A, be included in The Development and Planning Regulations, 1977.

The regulation contains provisions that will facilitate the development of the Strata Titles Law. As it stands now, a person doing development which is registered under the Strata Titles Registration Law is sometimes forced by circumstances to carry out that development in stages. It could be that planning approval is received for the development of four separate units on one Strata Titles Law.

If this development is completed in four distinct stages it would not be possible to transfer the title on the first completed unit until all units had been completed, because in most instances if one lot is sub-divided into four separate lots, the individual lots may not meet the set-backs and density requirements which had been met when the lot existed as a single lot. The amendment further provides that once the lot is in effect temporarily sub-divided, that later on, on the completion of the development of all the stages of the development, the four sub-divisions would be combined again into a single lot, and a further safe-guard is put into this regulation so that if when one lot is completed, if for some reason or other the remainder of the development fails to be completed, then the sub-division would be modified so that the original first sub-division of the entire lot would now meet the requirements. So in effect what this means is that if this amendment is added, Strata Title lots can be sub-divided, the title can be transferred, providing they originally met the requirements.

The Planning Law requires that the Assembly approve any changes in the Regulations, and I would like to formally move that the motion which stands in my name be adopted by the House.

MR. PRESIDENT: The question is that the Assembly do resolve to approve The Development and Planning (Amendment) Regulations, 1980 which have been circulated to Members.

QUESTION PROPOSED: DEBATE ENSUED.

HON. TRUMAN M. BODDEN: Mr. President, the amendment I think is good, but I would like to just mention one matter which I understand will be dealt with administratively. Where a restriction goes on to the Land Registry, it restricts all dealings on it and I would hope that the Registrar would permit, for example, if a charge was necessary to be put on the remaining property that he would permit

HON. TRUMAN M. BODDEN (CONTINUING): that charge to go on because it could in no way derogate from his position, but having a restriction against a transfer of that property, and thus a failure to comply with the external set-backs and densities, if it arose. I would ask the Member to consider that in due course.

I think the amendment is good, it has been needed a long time ago, and it will really benefit the local person who has to phase his development rather than having to build it all one time. It also cuts down the possibility of having an overall development, get into financial difficulties prior to getting the transfer of the Title which normally must come at the end now instead of, in this instance, would be able to come on each individual phase. Thank you.

MR. PRESIDENT: Are there any other speakers on the Motion? Does the Honourable mover wish to say anything further?

HON. G. HAIG BODDEN: Only Mr. President, to say that I see no difficulty in what the Member has expressed, for example, to use his simple case, if after the initial first sub-division, it was necessary to register a mortgage against either the remainder or the initial parcel, this would not present a problem. If it does, the Regulations could again be amended to make it clear, but I am sure the Registrar would have sufficient scope under this regulation to deal with subsequent charges on the lot.

QUESTION PUT: AGREED. MOTION WAS PASSED.

GOVERNMENT MOTION NO. 1
APPOINTMENT TO LIQUOR LICENSING BOARD
FOR THE LESSER ISLANDS

HON. JAMES M. BODDEN: Mr. President, this Motion deals with an appointment to The Liquor Licensing Board for the Lesser Islands, and during the sitting of the House in December 1979, only one member was appointed and it is now necessary to appoint another member, and the Motion is asking that:-

"BE IT RESOLVED therefore, that Captain. Sedley Ritch be nominated as the second member accordingly".

I seek the support of the House on this Motion.

MR. PRESIDENT: The question is that the Assembly resolves that -

"Capt. Sedley Ritch be nominated as the second member to the Liquor Licensing Board for the Lesser Island".

The Motion is open for debate. If there is no debate, I will put the question.

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

GOVERNMENT MOTION NO. 2 -
SUPPLEMENTARY EXPENDITURE

HON. V. G. JOHNSON: Mr. President, I beg to formally move Government Motion No. 2 dealing with Supplementary Expenditures. The Motion reads:-

"WHEREAS at two meetings of the Standing Finance Committee held on the 23rd November, 1979 and the 21st December, 1979 consideration was given to proposals for supplementary expenditure in 1979 and 1980 and recommended for approval by this Honourable House.

WHEREAS the proposals, the details of which are set out in Reports laid on the Table of this Legislative Assembly, dealt with additional expenditure in 1979 of $47,524 distributed over four departments, and in 1980 of $857,908 covering further award of salaries to the Civil Service effective 1st January, 1980.

HON. V. G. JOHNSON (CONTINUING): BE IT RESOLVED that this Legislative Assembly approve the recommendations of the Finance Committee that the Financial Secretary be and is hereby authorised to spend a sum not exceeding $905,432 for the purposes stated under the various heads and sub-heads approved by Finance Committee".

Mr. President, the Report of the Finance Committee of those two meetings were laid on the Table of this Honourable House yesterday morning and a brief explanation was given for the purposes of the meetings and the recommendations contained in the Report.

I think it is straightforward, Mr. President, and it is now left for me to ask Honourable Members here to give their due consideration to this Motion.

MR. PRESIDENT: I will deal only with the resolution Clause. The question is:-

"That the Legislative Assembly approve the recommendations of the Finance Committee that the Financial Secretary be and is hereby authorised to spend a sum not exceeding $905,432 for the purposes stated under the various heads and sub-heads approved by Finance Committee".

The Motion is open for debate. If there are no speakers, I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 2 PASSED.

GOVERNMENT MOTION NO. 3
CINEMATOGRAPHIC AUTHORITY

HON. D. H. FOSTER: Mr. President, I would like to formally move Government Motion No. 3.

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

BE IT RESOLVED that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 14th March, 1980 -

MR. CRADDOCK EBANKS

MR. GEORGE C. SMITH

MR. JOHN B. McLEAN

MR. PRESIDENT: Again I will simply read out the resolution part of the Motion. It has been moved:-

"that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 14th March, 1980 -

MR. CRADDOCK EBANKS

MR. GEORGE C. SMITH

MR. JOHN B. McLEAN

QUESTION PROPOSED: DEBATE ENSUED.

HON. TRUMAN M. BODDEN: Mr. President, I would ask Members to bear in mind as far as possible the enforcement of the Cinematograph Law. There have been some complaints recently and I would ask that they be vigilant and whenever necessary to deal with any obscene or blasphemous films that they would let their consent be given when they deem it to be necessary. I know it is a somewhat heavy duty and somewhat difficult to endeavour to measure what is and what is not, but there are instances when they do arise and I would ask Members to look very carefully at the question of giving their consent to a prosecution. Thank you.

MR. PRESIDENT: If there are no other speakers, I will put the question.

QUESTION PUT: AGREED *GOVERNMENT MOTION NO. 3 PASSED.*

ADJOURNMENT

MOVED BY. HON. D. H. FOSTER.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY, 17TH MARCH, 1980.

STATE OPENING AND FIRST MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON MONDAY, 17TH MARCH, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.B.E. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	FIRST OFFICIAL MEMBER
HON. DAVID R. BARWICK, C.B.E.	SECOND OFFICIAL MEMBER
HON. V.G. JOHNSON, C.B.E., J.P.	THIRD OFFICIAL MEMBER
HON. TRUMAN M. BODDEN	MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES
HON. G. HAIG BODDEN	MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES
HON. CHARLES L. KIRKCONNELL	MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. J. GARSTON SMITH	SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MRS. ESTHERLEEN L. EBANKS	THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY
MR. GEORGE C. SMITH	SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
MISS ANNIE H. BODDEN, O.B.E.	THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN
CAPT. K.P. TIBBETTS, J.P.	FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS
MR. CRADDOCK EBANKS, J.P.	ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE
MR. JOHN B. McLEAN	ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.

ABSENT:- HON. JAMES M. BODDEN

ORDERS OF THE DAY

MONDAY, 17TH MARCH, 1980

1. *QUESTIONS:-*

MR. JOHN McLEAN OF EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 13: *What steps are taken by the Treasury Department and the Internal Auditors on the presentation of payment vouchers for sums in excess of the approved allocation in the Estimates?*

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

No. 14: *Will the Member make a statement concerning two light industry programmes in Grand Cayman which will not be allowed to continue owing to the fact that the proprietors have had notice that their permits will not be renewed?*

No. 15: *Will Government consider the matter of work permits being granted to persons who are presently employed in various fields, and who if not granted gainful occupation licences, business in some areas, such as garages, etc. will be brought to a stand-still?*

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE CHARLES L. KIRKCONNELL, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION

No. 16: *Will the Member give consideration to the lighting of Eastern Avenue, (School House Road) in George Town and where the street is very dark and dismal?*

2. *GOVERNMENT BUSINESS: -*

BILLS -

(a) THE PORT AUTHORITY (AMENDMENT) LAW, 1980	*REPORT THEREON & THIRD READING*
(b) THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT)LAW,1980	*REPORT THEREON & THIRD READING*
(c) THE CUSTOMS (AMENDMENT) LAW, 1980	*REPORT THEREON & THIRD READING*
(d) THE LEGAL PRACTITIONERS (AMENDMENT)LAW,1980	*REPORT THEREON & THIRD READING*
(e) THE EXCHANGE CONTROL (REPEAL) LAW, 1980	*REPORT THEREON & THIRD READING*
(f) THE COMPANIES (AMENDMENT) LAW, 1980	*REPORT THEREON & THIRD READING*
(g) THE LOCAL COMPANIES (CONTROL)(AMENDMENT) LAW, 1980	*REPORT THEREON & THIRD READING*
(h) THE INSURANCE (AMENDMENT) LAW, 1980	*REPORT THEREON & THIRD READING*
(i) THE INSURANCE (AMENDMENT)(NO.2)LAW, 1980	*REPORT THEREON & THIRD READING*
(j) THE ELECTIONS (AMENDMENT) (LAW, 1980	*REPORT THEREON & THIRD READING*
(k) THE JUDICATURE (AMENDMENT) LAW, 1980	*REPORT THEREON & THIRD READING*
(l) THE FIRE BRIGADE (AMENDMENT) LAW,1980	*REPORT THEREON & THIRD READING*

3. *COMMENCEMENT OF DEBATE ON THRONE SPEECH.*

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MONDAY, 17TH MARCH, 1980

10:00 A.M.

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

QUESTIONS

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER, RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 13: What steps are taken by the Treasury Department and the Internal Auditors on the presentation of payment vouchers for sums in excess of the approved allocation in the Estimates?

ANSWER: Before vouchers are accepted for payment, they are checked by Treasury against the related voted provisions and any amount which if paid is likely to create an excess on the vote, is returned to the issuing Department advising the position and requesting the appropriate authority to cover the excess. Vouchers are checked by the Auditors after they are paid by the Treasury and queries, if any, are forwarded to the Head of Department through the Financial Secretary.

SUPPLEMENTARY:

MISS ANNIE HULDAH BODDEN: Mr. President, if I may be permitted to ask a supplementary question, and it is this. Is there any authority anywhere to pay out money in excess of the voted amount without reference back to the Finance Committee?

HON. V.G. JOHNSON: Mr. President, there is no authority to increase expenditure over the approved provisions contained in the Estimates. Further approval must be sought and granted by the Finance Committee.

MR. PRESIDENT: We take the next question.

MISS ANNIE HULDAH BODDEN: Mr. President, although it might not be on the terms of the Standing Order I think it is better to ask the question, the people in the gallery I am sure they never look at the papers until after the Assembly is over, consequently they do not know what we are talking about.

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

NO. 14: Will the Member make a statement concerning two light industry programmes in Grand Cayman which will not be allowed to continue owing to the fact that the proprietors have had notice that their permits will not be renewed?

ANSWER: The Caymanian Protection Board refused to renew the work permit for the proprietor of these two light industries. The proprietor appealed and Executive Council upheld the decision of the Board. This does not mean that the industries have to close down. The Honourable Member has already been informed in confidence about the two cases.

SUPPLEMENTARIES:

MISS ANNIE HULDAH BODDEN: Mr. President, this is more of a statement if I may be permitted to ask it. I feel, Sir, that the Executive Council or whoever

MISS ANNIE HULDAH BODDEN (CONTINUING): it is who gives the directives, and the people in turn appeal, they are appealing from Caesar unto Caesar and it cannot be right. And while these two gentlemen, whoever they might be, might not be all that we can expect, who in this Island today or anywhere in the world is one hundred per cent what they should be? Not one of us, and I think this is a grave mistake when we have two industries such as we have had - for I do not know what reason the proprietors should be asked to leave and not have a renewal of their work permits.

MR. PRESIDENT: I would like to remind Members that question time is not to be taken as a time for debate, it is a time for asking questions.

MR. CRADDOCK EBANKS: Mr. President, one supplementary. Could the Member say at this stage if the two industries will continue to operate?

HON. D.H. FOSTER: Mr. President, I cannot assure the House that they will continue, but we are not stopping them. The licence for the industry has not been pulled, the new manager can be appointed and the industry can carry on.

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

NO. 15: Will Government consider the matter of work permits being granted to persons who are presently employed in various fields, and who if not granted gainful occupation licences, business in some areas, such as garages, etc. will be brought to a stand-still?

ANSWER: Government is looking into this matter very carefully and it is not intended that any proprietor, garages, etc. should suffer.

MR. PRESIDENT: If there are no supplementaries, then the Lady Member can proceed to her last question.

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE CHARLES L. KIRKCONNELL, MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION

NO. 16: Will the Member give consideration to the lighting of Eastern Avenue, (School House Road) in George Town and where the street is very dark and dismal in some corners?

ANSWER: Yes consideration will be given to the lighting of Eastern Avenue. The allocation for 1980 exceeds 1979 by $7,500.00, but is insufficient to cover all the areas where applications for new lights have been made.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, supplementary question. Could the Member say if Government have any lights on hand that they could start with installation whenever the necessity arises for the establishing of lights?

HON. CHARLES L. KIRKCONNELL: Mr. President, we voted a sum of $15,000.00 under Capital Expenditure to include the balance, or to light the balance of the West Bay Road, and it will give us an additional ten ordinary lights

HON. CHARLES L. KIRKCONNELL (CONTINUING): for the other districts after we have spent and installed the 50 to 60 lights required to complete the lighting of West Bay Road.

MR. GEORGE C. SMITH: Supplmentary question, Mr. President. Will the Member care to state how much it costs per year per light?

HON. CHARLES L. KIRKCONNELL: Mr. President, the cost of the old lights is averaging about $3.11 per light, and the new lights are costing about $7.70 per light.

MR. GEORGE C. SMITH: Supplementary question, Sir. Is that per month or per year?

HON. CHARLES L. KIRKCONNELL: This is per light per month.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Then according to the Member's statement it would be ten ordinary lights for the rest of the Island. Then is that presumed to be two lights for each district?

HON. CHARLES L. KIRKCONNELL: Mr. President, that is correct, Sir. The escalating cost of electricity will have eaten up all of the additional $7,500.00, the increase of 15%, and $7,500.00 on our present light bill will just about cover that.

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

THE PORT AUTHORITY (AMENDMENT) LAW, 1980
REPORT THEREON

HON. CHARLES L. KIRKCONNELL: Mr. President, I have to report that a Bill intituled The Port Authority (Amendment) Law, 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.

THIRD READING

CLERK: THE PORT AUTHORITY (AMENDMENT) LAW, 1980.

HON. CHARLES L. KIRKCONNELL: Mr. President, I move that a Bill intituled The Port Authority (Amendment) Law, 1980 be given a third reading and passed.

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

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980
REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled The Banks and Trust Companies Regulation (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House with the following amendment:-

In section 2, subsection (b), the words at the end were amended in the following manner -

The Bill read - "And provided further that the fee payable under this subsection in respect of a licence granted to, or held by, a licensee which is the wholly owned subsidiary of another licensee shall be one third of the fee which would be payable but for the provisions of this proviso."

HON. V.G. JOHNSON (CONTINUING): The words from "one third" to the end were deleted and replaced by the figure "$2,500.00". And now the subsection would read -

"And provided further that the fee payable under this subsection in respect of a licence granted to, or held by, a licensee which is the wholly owned subsidiary of another licensee shall be $2,500.00.";

That was all of the amendment, Mr. President, the rest of the Bill was accepted.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THIRD READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) LAW, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move that a Bill entitled The Banks and Trust Companies Regulation (Amendment) Law, 1980 be given a third reading and passed.

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

THE CUSTOMS (AMENDMENT) LAW, 1980

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that the Bill entitled The Customs (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is set down for third reading.

THIRD READING

CLERK: THE CUSTOMS (AMENDMENT) LAW, 1980

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Customs (Amendment) Law, 1980 be given a third reading and passed.

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

THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980

REPORT THEREON

HON. DAVID R. BARWICK: Mr. President, Sir, I have to report that a Bill intituled The Legal Practitioners (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House and was passed with two amendments in clause 4 of the Bill. The first of these related to the proposed new section 15 (6), and the amendment consisted of the insertion of the words "legal and judicial departments of the" immediately following the words "any person in the"; and secondly in paragraph (c) of the proposed new section 20 by deleting the words "prescribing the maximum and minimum" and substituting the word "regulating", and was passed as amended.

MR. PRESDIENT: The Bill is accordingly set down for third reading.

THIRD READING

CLERK: THE LEGAL PRACTITIONERS (AMENDMENT) LAW, 1980.

HON. DAVID R. BARWICK: Mr. President, I beg to move, Sir, that a Bill intituled The Legal Practitioners (Amendment) Law, 1980 be now given a third reading and passed.

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

THE EXCHANGE CONTROL (REPEAL) LAW, 1980

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled The Exchange Control (Repeal) Law, 1980 was considered clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is set down for third reading.

THIRD READING

CLERK: THE EXCHANGE CONTROL (REPEAL) LAW, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Exchange Control (Repeal) Law, 1980 be given a third reading and passed.

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

THE COMPANIES (AMENDMENT) LAW, 1980

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Companies (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House andpassed without amendment.

MR. PRESIDENT: The Bill is set down for third reading.

THIRD READING

CLERK: THE COMPANIES (AMENDMENT) LAW, 1980

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Companies (Amendment) Law, 1980 be given a third reading and passed.

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

THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1980

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled The Local Companies (Control) (Amendment) Law, 1980 was examined clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THIRD READING

CLERK: THE LOCAL COMPANIES (CONTROL) (AMENDMENT) LAW, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Local Companies (Control) (Amendment) Law, 1980 be given a third reading and passed.

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

THE INSURANCE (AMENDMENT) LAW, 1980

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report, Sir, that a Bill entitled The Insurance (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Insurance (Amendment) Law, 1980 is set down for third reading.

THIRD READING

CLERK: THE INSURANCE (AMENDMENT) LAW, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Insurance (Amendment) Law, 1980 be given a third reading and passed.

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

THE INSURANCE (AMENDMENT) (NO. 2) LAW, 1980

REPORT THEREON-

HON. V.G. JOHNSON: Mr. President, I haveto report, Sir, that a Bill entitled The Insurance (Amendment) (No. 2) Law, 1980 was considered clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THIRD READING

CLERK: THE INSURANCE (AMENDMENT) (NO. 2) LAW, 1980

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, that a Bill entitled The Insurance (Amendment) (No. 2) Law, 1980 be given a third reading and passed.

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

THE ELECTIONS (AMENDMENT) LAW, 1980

REPORT THEREON

HON. D.H. FOSTER: Mr. President, I have to report that a Bill entitled The Elections (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for third reading.

THIRD READING

CLERK: THE ELECTIONS (AMENDMENT) LAW, 1980

HON. D.H. FOSTER: Mr. President, I move that a Bill entitled The Elections (Amendment) Law, 1980 be given a third reading and passed.

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

THE JUDICATURE (AMENDMENT) LAW, 1980

REPORT THEREON

HON. DAVID R. BARWICK: Mr. President, I have to report that a Bill intituled The Judicature (Amendment) Law, 1980 was considered clause by clause by a Committee of the whole House and was passed without amendment.

MR. PRESIDENT: The Bill is set down for third reading.

THIRD READING

CLERK: THE JUDICATURE (AMENDMENT) LAW, 1980.

HON. DAVID R. BARWICK: Mr. President, Sir, I beg to move that a Bill intituled The Judicature (Amendment) Law, 1980 be now given a third reading and passed.

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

THE FIRE BRIGADE (AMENDMENT) LAW, 1980

REPORT THEREON

HON. TRUMAN M. BODDEN: Mr. President, the Fourth Elected Member is not here. With your permission I would deal with the report and the third reading on this.

MR. PRESIDENT: I think as we have several days ahead we could leave the Member to report his own Bill at a later stage.

HON. TRUMAN M. BODDEN: As you please, Sir.

DEBATE ON THE THRONE SPEECH

MISS ANNIE HULDAH BODDEN: Mr. President, apparently everybody is afraid to start this debate, but I had not planned to speak today because I am a bit hoarse, but I could not lose the opportunity of debating this Throne Speech. I am very sure, Sir, that you have the authority to stop us if we want to start at our pleasure.

Well, Mr. President, I feel that we owe you a debt of gratitude for preparing such a Speech that deals so concisely with our economy past and the look for the new year 1980 to have the same good going before you.

It is very pleasing to know that the economy has improved to the extent where everybody believes that we are now in paradise, that we will never know want any more. I hope and pray and trust that we shall never go back to the days as they were when I was growing up. If you had a pound you thought you were rich, and very, very few people had one pound (£1) to their name. I have had people to question me and say, "Why did I not buy some land on the Seven Mile Beach when it was going so cheap?" I said, "Where in the world would I get a pound (£1) to buy it?" If I have got a pound, I had to stretch that to try to buy food, and I was not able to secure any of that land although it was so cheap.

Mr. President, we have gone a long ways and what amazes me is this - that most legislators nowadays take all the credit for themselves. We have had a Parliament for (I am sure) over one hundred years and those poor, uneducated, unlearned - I would go as far as to say, ignorant men, they did a marvellous job of laying the foundation of what we have today. We have never had a Parliament that suited everybody, each and everyone has been criticised. We have had in the past, Assembly

MISS ANNIE HULDAH BODDEN (CONTINUING): Members who were strictly merchants and the public always said, "We, the public never get any good in the Assembly, the merchants are only studying themselves". Well, I do not think that was true. They, of course, like every other human being, tried to get all they could for themselves at as little expense as possible, but they studied the country.

In those far-off days when I recall, we had 25 Justices of the Peace and 25 Legislative Members sitting. I will say it was a conglomeration of voices, mostly everybody wanted to speak at the same time, and sometimes there was a lot of confusion, but they did accomplish something. Other than that, where would we be today? But the secret of those people was that they feared God. Nowadays God is not now in their thoughts and they believe that they can do anything and if the public or some other person happens not to know what they are doing, it is no sin.

A sea captain once told me (when I was speaking to him, not in anything about he was dishonest or anything, but about his general behaviour), he said "Well you know the only thing makes it a sin, if people find out what I am doing". And I believe most people believe that, but that is not it. Thou God sees me in every action we do, whether it is good or bad, it is known to the good Almighty God and we should bear that in mind.

Now, Mr. President, the economic activity of this Island today is tremendous. I am sure we are the envy of most people in the world, not only in the Caribbean, but in the world; but I am afraid, Sir, that our progress should be staggered over the yeare. We are trying to do too many things at one time and I feel, Sir, that when the boom breaks, because this bubble will eventually burst, that we will be in a bad off state. I feel, Sir, that the Planning Board or whoever is responsible should stagger buildings over a period of time. We should not, and I say we should not, I repeat that - have to import labour to do the jobs that are being done. There are enough Caymanians who, if they want to work, could get on the job and get this thing going provided it was done in a reasonable manner.

We do not want to build hundreds of condominiums at one time, because we have not got the labour to do the job. And I must say it is foolishness, nothing but foolishness talking of importing labourers from these Spanish countries; we do not even understand their language. I feel, Sir, that is a grave mistake.

Now, I know the Jamaicans are the most hated people in Cayman, I do not know where else, but I wonder if Caymanians have ever stopped to think that in the past Jamaica was their back-bone, Sir.

I remember shortly after the 1932 hurricane, which almost completely destroyed Cayman Brac that the Cimboco the life line boat of the Cayman Islands at that stage was on that particular time in Jamaica. When it came to Cayman Brac, all the Cayman Bracers who could get on the ship came to Grand Cayman - I would say their sisters, their brothers, everybody who was living here entertained them royally.

Now, on the return trip, Sir, and if I am not telling the truth I never spoke it in my life, the Cimboco was classed to take 20 first-class passengers, 12 deckers and that was it - that was the permission they had from the Marine Board of Jamaica. And on that upward trip after the 1932 storm, believe it or not, 86 passengers in addition to those 32 went on the Cimboco to Jamaica. The Captain, when he brought back the passenger list, which I had a copy in the passenger book, I said to the Captain, "How in the world did you manage to take all these people on the ship?" Well he said, "Believe it or not, I had to take a stick to lick off the balance that wanted to come, they were going to sink the ship". And those 32 plus 86 went on to Jamaica - some of them without even clothes, they did not have a second suit in their name. They were wined and dined in Jamaica because they needed assistance and they received it.

I think now, Sir, while the Jamaicans are like

MISS ANNIE HULDAH BODDEN (CONTINUING): Caymanians, like English men, like American, like Canadian, like people the world over - some good, some bad. I think that it is not right and fair that people who have been stationed in this Island for say 10 or 12 years, now that they are applying for Caymanian status or wanting an extension of their work permits, they say "No, we have too many Jamaicans now, they must go back". I do not think it is right, it is not fair, and to cap it off they are importing people (or that is what I understand from the Press), foreigners I would call them from the Republics are being brought here to do the work.

Now, Mr. President, they cannot know what some of these South American Republics give. At least fine Caymanians that I know of, may be more, were chopped up in Nicaragua. Do we want the same thing to happen here? Do we want to import labourers to come here and if our work or pay or something does not suit them that they are going to chop up the people who have employed them? Now that is what we are asking and I think it is not right. If we have Jamaicans here, Hondurarians, English men, regardless of who they are who are violating our laws, send them back, but those who are here trying to do work and earn an honest living, why hurt them? To my way of thinking when we take a man's job from him you might as well cut his throat. How is he going to survive?

And I feel, Sir, like I said, that Immigration should screen undesirables and if they are not what we want, send them back to their native land wherever it is. But, unfortunately it depends on who is who to get what is what.

I remember, it must be two years ago this famous teamster Jim Hauffer, he came here and the front page of a local newspaper was blazed of this wonderful man that was here. So, I tell you, Sir, that it depends on who is who to get what is what. Now the Americans who were living here and those who rightly knew what his career had been, they shamed these newspaper publications and said, "You should not have such a man on your Island". Well, are they the kind of people that we are going to look for? Those who have money to pay their way, or are we going to get people who will help us build our economy?

I say, Mr. President, while I am not advocating for any particular class of people I feel that those who have helped us they should be considered, provided they behave themselves. We should not get people here just because they have money, and corrupt our conutry, we should have people of high standard who we ask to come to our Island, other than that regardless of how flourishing the economy, unless we have people of good christian upright morals our Island will go to h-e-l-l quicker than we think.

According to the Census that was taken, we have 16,667 residents and 663 visitors. This, your Speech goes on to say, Sir, "Immigration policy has been to harmonise the need for foreign workers and with an expanding economy we are to recruit people from not one particular country, but generally". I feel, Mr. President, that we should not have to import labourers because we certainly must have enough here to do the job provided it was staggered like it should be.

I remember, Sir, when the Bank of Nova Scotia building was being erected that I saw beautiful looking gentlemen, fair skin, they were out in their little shorts in rain, rolling their wheelbarrows, I saw coloured people, probably Jamaicans or Honduranians, whoever they were, working like stags, and some of the Caymanians, believe it or not - what were they doing? Sitting down in the shed smoking their cigarettes while it was raining. So, Mr. President, while Caymanians (those that want to work) can work, we have a generation now - I would not call them exactly vipers, but they are a generation who like to get money the easy way, and we need to encourage people who will give an honest day's work for an honest day's pay.

Now, Mr. President, coming back to these Jamaicans - I see that we are erecting our own prison. Have we ever stopped to think that

MISS ANNIE HULDAH BODDEN (CONTINUING): Jamaica takes our riff-raff, our crazy people, our sick people, juvenile delinquents- we all have to pack them back to Jamaica. Suppose one of these mornings we were to wake up and hear that Manley had chartered a plane and sent these (I call them riff-raff) back and landed them on the Airport, would we think he was doing right? No, we would rebel. But I am saying, Sir, in my opinion the next thing to murder is ingratitude, and I feel, Sir, that we are a very ungrateful set, when these poor unfortunate people are put in a dilemma in their own country, and if they can come here, behave themselves and earn a living that we should leave them alone. But, if they cannot go by our laws and rules and regulations, of course, send them back, but do not deprive them of a livelihood just because they are black, or unfortunate or poor.

I see, Sir, that a franchise has been given to the Cayman Water Company to supply desalinated water on the Seven Mile Beach. Well, that is a blessing, Sir, because I believe that must be pure water, but we have not got an adequate supply of water in this country for all of these buildings. I remember the late Captain Reid who was always preaching - 'one of these days we are going to have an outbreak of some epidemic, may be typhoid fever, because the water situation here is not what it should be'. The Planning Board, he said, was allowing the erection of all kinds of buildings but no water facilities. And I feel, Sir, that is another mistake - every condominium, or hotel, or be what it may, which are erected should have proper storage for water. Of course, with an influx of passengers coming in on the planes and tourists residing in these hotels, the water situation could become acute so, if we have this - the desalinated plant - that is a good thing.

Now this Agriculture Department. Mr. President, I heard it expressed here in this House that some people are so ignorant about agriculture they would not know maiden-plum from lettuce, I believe they say it was, but I do not think anybody is that stupid, they are not that stupid. I am sure in the olden days, Sir, had we not had farmers a lot of us would not be here today, we would have died from starvation, because in those days not everything you ate was imported, people had to plant. Even to us - my mother and sister and myself, we had our garden in the back yard and that fed us many a day along with fish and breadfruit. Now people are so high-class they do not even want to eat the breadfruit, they must have imported Irish potatoes, lettuce, and all the other things that they believe they cannot do without, but if we had people who were industrious enough they would grow their own vegetables.

And I feel, Sir, it is an asset to help people to get something going like farms, but on the other hand I feel, Sir, they must work, not just take Government money and buy trucks and motor cars and drive around with, and the thing for which the money was given neglected. I feel there should be proper inspections to see that these people are doing the job. Up until this morning a man told me that we should have somebody in this country, or may be two or three people, who would go around to the different districts and see the things that need to be corrected, and I feel, Sir, that this is an area where we should have proper supervision to see that the people are doing the job.

Now tourism has greatly increased in this Island, and I must go back to an article which I read in that hated magazine, the Northwester, when our first tourist here 50 years ago was a Jamaican. I would not say exactly if it was true or not, but I know in those days Jamaica was the place where most of the tourists came from, except if they came here on the Goldfield from Tampa. I remember George Allen England who wrote an article in the Saturday Evening Post, I think it must have been about 1926, and he took us for a fun-stalk, he really admired the beautiful dazzling water of many hues of blue, but he made fun of everybody. He called the Immmigration Officer, he said he was a mahogany coloured man and he yelled out - "Stand up and answer to your name!" And then another one he had a watch strung on to him big enough to anchor a ship. That was the attitude they took about us.

MISS ANNIE HULDAH BODDEN (CONTINUING): Our good qualified doctors - Roy E. McTaggart was a qualified dentist. What did he write about him? He said that he went around with his forceps in his pocket, shoes under one arm to repair, forceps in his pocket, pulled it out, $50.00 and I will pull out your teeth. Well, the Saturday Evening Post had to apologise to Doctor Roy McTaggart for their untruthful words. So that was the concept people took about us. The Island that time forgot.

Well I wish time had forgotten us up to now, except for the wealth and prosperity which they have brought to our Island. But as for morals, Sir, the morals have gone down so low that you would not believe that you were living in the same place if you lived here when I was a child growing up, and see what is happening now. A woman who had illegitimate children, she was an outcast. Now I understand I do not know, because God never provided me with a husband and I never hustled to get one for myself, so I do not know the ramifications of this married life, but I will say, Sir, that men and both women now are very, very untrue to each other. You read about fights over women, some people divorcing their wives four and five times - all of that kind of thing is not correct, it is degrading to our Island, our good God-faring Island, and I think, Sir, with the advent of people coming here although if Caymanians had not been weaklings, they would have kept that high standard, but they have allowed themselves to drift into the situation where now a home is only a sham. Mothers, fathers, children roaming the streets until twelve and one o'clock at nights because everything their eyes see they want, and any time you want to be a mother you cannot be a career woman. And that is the whole trouble in our Island today, the home is neglected, and the children roam about and get in trouble. Mr. President, that never happened in the good old days.

Now, Mr. President, this Insurance Law, I have left that in the hands of the Honourable Financial Secretary, who I am sure is an honest man, knows what he is doing. I personally do not believe in insurance because I had lost four insurances because I got ill and I did not have the money to pay for the policies and they were lost. So, if and when I get a few spare dollars, I either keep it at my house or some safe place, put it in the bank may be, or never put it in any insurance company, but those who want insurance, it is a good thing.

I have not got anybody to provide any insurance for in the future, I want to line off what I want nowadays, and I am not investing in insurance, but I dare say it is a good thing. If we had not insurance on our old Government House, we may not have had one up to now, but the insurance provided for such a facility.

Now, Mr. President, I agree that we should have some inspection of foods, because sometimes you buy things that they are practically useless. One particular area that I think we should have proper examination on is the matter of drugs. I have bought some tablets once in awhile from these places that sell vitamins and they are about a year older than the date of expiry - it was sometime in 1978, they are being sold in 1979, and I am sure that they are more harm to your body than any good.

Now, Mr. President, education facilities. When I went to school, the first I remember, I went to Mrs. O'Sullivan, who kept a private school not too far from the now Police Station. We walked there, had our lesson, we had to carry our little sandwich or piece of bread and lard or whatever we had, eat there and stay until 3:30 or 4 o'clock at the school until it was over. Well, after awhile the Government started a school. I remember going to school, Sir, when my name was called in the morning, there was a lady assistant teacher - she would call - "Annie Bodden" for instance. I would try get to my seat and say, "Here, three pence (3d)," meaning I have got a three pence (3d) to pay for my week's tuition. When I got a little older, it was, "Here, madam, six pence (6d)". Well, in 1920 through that honourable gentleman, Roy McTaggart, free education was introduced in this Island and that kept up. About 150 of us were in that little wooden building, or half cement, half marl, that was on the waterfront - we had to go sometime under the trees to teach, we had to drill in the road and that was it. Talking

MISS ANNIE HULDAH BODDEN (CONTINUING): about running water and all the rest of it, we did not have a drop of water to drink unless we carried that little bottle of water in the morning.

Sometime - about two years ago I said I would write the history of my life from my childhood days. I had two men carpeting my porch, and the German lady who was working with me then started off - she started to ask questions, and when she asked - "Did you have running water and toilet facilities?" My reply to her was - "We had an outside toilet on the ironshore". And she said "Where did your rain-water come from?" I said "The sea, that is what we had". And, nowadays everything must be provided. Half of the time we had to break a piece off of our slate to write with, not even a pencil. I have heard people say they could write with charcoal - well I have never tried that, but I know one thing, we were very poor, but we turned out to be honourable citizens.

I have never been to any college. When I passed my Third Year Pupil Teacher's examination at the age of 15, I was asked to go to Jamaica and enter Shortwood to become a teacher. I said "No, that is not my calling, I do not want to be any teacher". Because I had to stay in school one extra year to teach to get to pass my Third Year, because you were supposed to leave school then at the age of 14, and I had to go another year and teach for nothing, not a cent, to get to stay that extra year, and then that was when I was 15 years old. The certificate is hanging on the wall of my office today, and I challenge any of these graduates to have any more knowledge for what facilities which are now being afforded than I had - I challenge either one, because I have seen graduates walking the floor counting on their fingers; I can count in my head and add. We sought diligently to take care of the opportunities we had, but nowadays, I am afraid we are too lenient and everybody feel they can get anything without too much labour.

Mr. President, after our school was not (I suppose) up to the highest standard, we the women of the Presbyterian Church got together, we had sales, we had everything that was ordinary, proper, to raise money to build a school. Well, J.S. Webster and Sons from Jamaica provided us £600. 0. 0. a year to assist with the governing of that school, and I must repeat again, Roy McTaggart (although he might have had a personal interest Sir), because his niece was one of the students, and he said our first year as a school, he made it known to the then Commissioner that the first child that passed the Cambridge examination from that High School as we called it would have to be honoured by Government giving them an allowance, and which they did.

Now, Sir, education has progressed a long way from there, but I am saying the foundation of higher education was laid in this Island by the Presbyterian Church, the Elsmlie Memorial Church out there, because our two ministers, Rev. Grey and Rev. Hicks, they taught for nothing. Miss Ercell Connor, who I always claim should have been awarded an O.B.E., she taught for £4. 0. 0. a month; Mrs. Ena Watler, for nothing, Mrs. Darleen Panton, for nothing, and several others went and taught for not one cent. My sister went and taught sewing every Friday, not a penny, and that was how we started higher education in this Island. But, there was no segregation, no class distinction, everybody worked together as a happy family.

Now I see in the newspapers, although I have heard it expressed in this Assembly, you cannot believe anything that is written in the Compass - I never heard too much about the Times, but I feel that we are in a state, I would say, to provide a Middle School from our present Cayman Prep School.

Now, Mr. President, while I am in favour of education, I have paid scholarships in other schools for several children, I bought clothes, shoes, books and everything, because I believe in education. But if the old shack that I am living in was to turn into a gold nugget, I would not give the value of a grain of sand to start any segregation school; I will not. Now that is signed, sealed and delivered.

I feel today if we have a Middle School, and that it is not doing its job, which I am very sure it must be, that we should not

MISS ANNIE HULDAH BODDEN (CONTINUING): (as a church now I am talking), as a church, start any school where only the elite and the rich can go. I will not agree to it. But, of course, I am the least of the apostles, I am not an Elder of a church, I was a manager, but when they got this united stuff they did not want any manager, so I have no say, but I have say in what I have to be what I want it to be, and I feel, Sir, that is not the right thing.

Now this Bonaventure House. I am sure it is doing a good job, but I again repeat that if mothers were mothers like the old time mothers we would not have so many delinquents, and one thing, Sir, while I do not believe in punishing children, and I have often been told that I spoil children, I feel, Sir, that if you were to introduce - whether it is in the Juvenile Law, or some law, that a real misbehaved boy should get a few strokes once in awhile - that would bring more discipline into our schools.

I have heard a complaint from the Justices who sit on this juvenile court that the children who come there they say "You can charge our mama or papa $50.00, but you cannot stop us from doing what we are doing". I have heard of a certain boy who comes from a respectable family that his case is now before the Court, and he has done another violent deed that he should be punished for. I am saying, Sir, that we must have discipline and we must have a way to correct those who do wrong.

Now this International Year of the Child Committee, I am sure they did a good job. I was very proud to see a little 7-year old boy from East End win a prize, I think that he is a credit to our country.

Now the Public Works Department. I cannot criticise that too severely, I think they are doing a fairly good job, I will leave that to the Honourable man from North Side who knows more about buildings and erections and roads than I do, but I think on the whole we have to be thankful that they are doing fairly good. And, we must not expect the most from everybody, we must try to be content provided they are giving honest days' work, and I feel that is happening there.

Now training. I see that a lot of training has been started on the Island, but reading the last Northwester again, I hear that the school is provided but no students. What is wrong with the present day generation of Caymanians? What is wrong? In the olden days, West Bayers in particular who are ambitious, at 10 and 11 years old they went to Mosquito Cay for nothing, just to get food to eat. As they got a few years older they would get a quarter share, a half share, and now today some of those men they are captains on the largest ships on the ocean. Well, Captains with the National Bulk Carriers Company, Engineers, and they started from nothing, but these who have the opportunity to be trained, I do not know how far their training will take them, but they refuse to go to school. Isn't that a shame, Sir?

We hear about school-leavers cannot get any jobs. Well they are not wanting any jobs, otherwise they would be glad to work. I worked for ten shillings (10/-) a week for years, ten shillings (10/-) for years on top of years and I was very happy to get that ten shillings (10/-). Nowadays, I had a girl come Saturday morning; I asked her to come and sweep my yard, she said, "Will you pay me ten dollars ($10.00)?" I said, "Yes, I will, but you must sweep the yard how I want it swept". Well, she said, "You know what, it is not how you want it, it is how I am going to do it". That is the attitude they adopt.

Now the Cayman Airways. I will say we should be proud of the service that is going on, the extra people that are coming in, but I still disagree, Sir, that we have too many people employed on the job. I will agree, Sir, it helps Caymanians, provided the public can break even, if they wanted to hire 214 people, provided they can link the money to pay these expenses, but I would figure, Sir, that they must adopt their rate that we can at least break even. I do not oppose it, I do not like flying, I never fly, but I feel that the air service has done a great job here and we must give credit to the man

MISS ANNIE HULDAH BODDEN (CONTINUING): who instigated, although he does a lot of things that I do not like, I will say I give him credit for that. He is very conscientious in his job, and one thing I admire about him, he is not vindictive. But there are some people in this Chamber that if you say 'that' against them, they might cut your throat. I will say this about the Honourable man in charge of Tourism, Aviation and Trade, to my mind he is not a vindictive man.

Now the Public Library. I am glad that has been renovated and I hope that the reading public will take advantage of it. We have a wonderful lady there as a Librarian, and a devoted good christian woman, I am sure that she is doing a good job.

Now, Mr. President, one thing I have always advocated, and I am still advocating it, and that is that we get six or eight good married men, 8-footers, men of dignity, men who are not out in the street with their two arms around women, we do not want that kind, we want good upright citizens as our policemen. We do not want those little runts who are no more than three or four feet high, we want good stalwarth-men, regardless of where they come from, their colour, class or creed, but we want people who will have our laws executed to the fullest degree, are not partial, because I am 'Annie Bodden', I might not have to pay, but some poor unfortunate they will take them to Court. That is not British justice. We need men in our Court and in the Police Department who will execute justice to all and sundry.

Mr. President, these little boys with their little two or three-inch ganja sticks,some of them served three years in Jamaica, but others, you never hear a word. That is not right.

I feel, Mr. President, that big fish are in this racket and they are either paying off or somebody is afraid of bringing them to justice. But these little 'three pence boys', I call them, they have to go, appear before the Court, get their two or three months, as the case may be, or pay a fine, but never hardly ever seem that one of them get freed.

I saw it in the newspaper again, I must refer to - that man of some hotel was found with a lot of dope. I do not know what kind of dope, I heard it was cocaine, but I am saying that regardless of who it is, and they are found introducing dope to this country they should get the maximum sentence, not one day in the jail and go about their business. That is not right. We need justice to all and sundry.

Mr. President, sometime ago I had some dogs and they bit a boy who had opened my gate. I had to pay $1,000.00 plus his hospital bill, plus six suits of pajamas for the time he was in the hospital - another $1,500.00 - that is $2,500.00 for dog bites, but people can murder you on the road and there is not even a Coroner's inquest. Is that justice? I say, regardless of who does a crime - white, black, red, pink or purple, Caymanian or non-Caymanian, they must be brought to justice.

Mind you know, Mr. President, we are severely criticised because most people think it is the Legislative Assembly Members here who do the job. We make the laws, but we cannot execute the laws, and I have heard others make fun of the laws we make. Not too long ago I was in Court about a land case and I heard one Jamaican barrister - I could have slapped him down for the way he ridiculed us about the laws we make. Just because we were smart enough to make laws that he could not take a technicality and trip us up on, he said we are no good. That is what we get.

Now this Radio Cayman. I do not listen to it too often, Sir, because it never actually broadcast what happens; it should give every Member in this Assembly an equal amount of hearing, but for instance some of us will come here and talk until we are hoarse and you never hear one word, but other ones, if they spit, their picture is blazed across the newspapers. I see they had my picture in the last issue, which I said like one girl told me, that did not even look like me, and just because I said that - they said I said, "I love money, the American money". I did not say that, I said "I love the motto of the United States currency 'In God We Trust'", but they thought that would humiliate me and make me look foolish.

MISS ANNIE HULDAH BODDEN (CONTINUING): They said "If I loved money, I would love the American money". I did not say that and I continue to say "For their motto, 'In God We Trust'".

Now if I get in a mood I am going to write to the newspaper and tell them to please correct it. So I am saying, preach or practise what is correct, not what you think will hurt people.

Now this Times out here, I have about as much use for that as most of these Members have for the Northwester, because the only thing that they ever said about me was told a lie that I wanted the beach, called ironshore land. That is all they ever published about me, and they put that twice on a map, saying 'ironshore land' when it was beach land, and I am still saying I have got no support from but three of the Honourable Members in this House. Some of the Members said I was trying to take the honour away from the Executive Council, that is not the truth. I am still saying that I was right in saying that every Member of this House should have the opportunity when a piece of Government land is being sold to at least know about it. And one of these mornings if I should wake up and hear they sold the public beach, I believe I would have a dance, because it is not right for legislators who are responsible for the good of this country not to be told what is going on. We only got the dregs unless you are smart enough that somebody will tell you.

I did not think that honourable men in this House would try to belittle me when they said it is not necessary for legislators to know when Government land is being sold. And, I still back up that I was right.

Now there are some areas for concern. Mr. President, this law that we passed to facilitate I will say, the people who do not want turtle destroyed and all the rest of it, we should amend that law right away. Because from the time I was four years old I lived at Maryland; there was a Captain there, Captain William H.M. Bodden, who was a commodore of the turtle fleet, and it must have been at least 25 boats going to Mosquito Cay, and they brought back turtle by the thousands, and ever since down the line. I am very sure the Almighty has not forgotten how to make turtle, and turtle is still there, but we are to facilitate these people..... we have heard that it is a crime (must be) to import turtle except we get permission.

Now, Mr. President, as you rightly said in your Throne Speech, you understand even alligators which are an endangered species, they can be slaughtered in Florida, but they want to rule us now. Everybody with my mind would amend that law and grant that all those who have the ambition to fish for turtle, they could get the permit to fish. It is very hurtful that the Cayman Turtle Farm is not getting the support it needs, and I think we should be proud of the people who are brave enough to continue who may be losing money to keep this facility going.

Now it is very sad, Sir, that the oil refinery at Cayman Brac will not become a reality in the immediate future. Personally, I always thought that would never happen, it sounded too good to be true, but nevertheless we will live on without that.

Now, Mr. President, I feel, and I agree with you, Sir, that we owe a debt of gratitude to these people who have tried to help run our country and aid those who are unfortunate enough that they have not got proper facilities. I think that we are doing a marvellous job and we should congratulate them and help them and let them know we appreciate their kindness. The Bonaventure Home, all of these schools for the Handicapped and all the rest of it. The Service Clubs have done a marvellous job, and that is one improvement we did not have when I was growing up - everybody had to hustle for themselves.

Now this Home for the Aged. Mr. President, while I hope I will never have to go in it, I might have to, but I think it is a marvellous thing because there are people in this Island today who have not got one soul to do one thing for them, and if we are able to provide such a

MISS ANNIE HULDAH BODDEN (CONTINUING): a facility it will be greatly appreciated, I am very sure.

You know, Mr. President, when you get old in this country nowadays it is the style that if I have three or four children and I am the least bit of encumbrance, I do not get one penny, when I am dead perhaps the Government may have to bury me; but if I leave one inch of land, if it is in Hong Kong, they are back to fight over this land.

I am saying, Mr. President, one thing our Government should do is this, that if we have to provide for the aged we should make a law if we have not got one now, that whatever they leave, we should be able to claim that for the Government.

These children who neglect their parents, of course they are not human, they should not be allowed to come here and devour, if that aged suffering person left a little bit of land. If the Government had to feed them and bury them, their property they leave should go to Government.

Now, Mr. President, the Planning Board, while it is doing a fairly good job, that is also a very prejudicial Board. I see a piece of land down on the South road, I do not know how many houses are built there, but it has enough house tops to be at least four, and that piece of land is not too much bigger than inside of this Chamber, and they are allowed to build there and landscape and all the rest of it. I have a client who owns a store on the Church Street, and she needs to put on washroom facilities and she cannot get that permission. It is not right, it is not fair. I feel, Sir, that each particular case should be taken into consideration and in an instance such as this the Planning Board should not be allowed to refuse her application.

And I feel, Sir, that we should look at individual cases. Other people can build in the road - not a word said, but if you do not know the right people to talk to you cannot get the facilities you need.

Now, Mr. President, we have gone quite a long ways in assisting our sisters on the smaller Islands. I feel, Sir, that in this administration, although they believe they are not criticized, I am saying each and everyone of us gets criticism, and we deserve it, but they have extended very good help to the people who live on the smaller Islands. And I think it is our duty because we should not cater to the rich, we should cater to those who are less fortunate than we are, and I feel, Mr. President, we have done a noble job in the last four years in assisting these people.

Now, Mr. President, I suppose I could go on much longer, and I had to break the spell. May be some of these people who are somewhat afraid might venture after me. I would only like to have the opportunity, Sir, now that I have got my throat cleared to continue on to say all that I have to say.

Now, one subject I must deal on and that is the matter of Civil Servants. Mr. President, had we not had a devoted, humble set of Civil Servants from the time this Government came into operation, where would we have been today? Just let me answer that question by saying that they did not watch the clock, they worked, sometimes 12 and 15 hours a day. What did they get? The Clerk of Courts got twelve pounds (£12. 0. 0.) when it was increased, he used to get six pounds (£6. 0. 0.), it went up to twelve pounds (£12. 0. 0.) and he had to perform the work that it takes at least six or eight people to do today. The Inspector of Police, who was the honourable 12-footer (he must have been, I know he was more than 6 feet), Joseph Rodriquez Watler, who was warehouse keeper, road foreman, Collector of Taxes, and four or five other jobs. What did he get? Twelve pounds (£12. 0. 0.) per month.

Nowadays, Mr. President, the Civil Servants are well paid considering our finances, but they should not be abused, they should not be abused. That is your privilege, Sir; politicians have no business criticizing Civil Servants. Which of us is perfect? And we have some very devoted Civil Servants, and who have kept this Island afloat up to 1972; since 1972, after this is 1980 - Civil Servants ran the show and they ran

MISS ANNIE HULDAH BODDEN (CONTINUING): *it ably. Now I am not saying everyone is 'perfection', but they are human beings, and I am saying, Sir, that it is a disgrace for us as politicians to try to down these Civil Servants. And if we have money to pay them a proper fee, more than we are paying now, let us pay them, because we cannot run the Islands without the 700 or 800 Civil Servants, can these 12 legislators run the show? Of course they cannot. They will ruin our Islands if it was left to 12 people.*

I am saying the Civil Servants must be treated with respect, and if they are not doing their job send them out, say "Well, you are not really performing, we will duplicate you unless you do better", but not to harass them like how I have heard it done, it is not right. And I feel, Sir.... And I am respectfully asking you, Sir, to warn these politicians including me, if you hear me ridiculing Civil Servants, to tell me that is not my business. Legislators are here to legislate laws and to handle the finance - that is what I was told, that is our job - they are not here to dictate to Civil Servants, and if they are not doing their job I feel, Sir, that you are not afraid of them, you will say, "Perform better or get out". And I am very sure that is your job, and I am asking you, Sir, not to allow any politician to run that department because it will end in catastrophe.

Now, Mr. President, I could still go on longer but my throat is getting kind of hoarse. I say, Sir, that God sparing my life, my health not being any worse than it is now, I shall be a candidate for the 1980 election.

Now I pray about this everyday, and if God does not want me to go there, I ask kim to put a stumbling block and stop me, but not one of these politicians is going to run me out, they can get that through their heads once and for all. I heard that at the last election they said the big mistake was not getting Annie Bodden out of the way. Well let me tell you, Mr. President, I consider I have been an honour in this Legislative Assembly that one lone woman would stand up sometimes against 11 and 14 men. How many women would be that brave? And I have fought cases just alone, and I believe I was right, I am sure I was right and I will not give up, and they know they cannot frighten me, and I have never got one thing out of this - no benefits, no fringe benefits, the fringe benefit I got was pleasure, to serve the people of the Cayman Islands.

I have not got any children to get any scholarships for, I do not want any grants from Government, I have never encouraged any bribe. I did not want it. I want to see this Island grow from strength to strength, and people live in harmony and love with each other. What is the use of me getting on the platform and ridiculing somebody?

The last election the Honourable First Elected Member - we campaigned together, and I can say truthfully I never said one word against a soul detrimental, and neither did he. We fought the campaign on our value what we thought we could do, but some people they ridicule each other, they call them bastards, they did everything. And, Mr. President, with the temper I have, the blood I have in my veins, if I had been a man and any candidate, regardless of who it was called me such things, I would beat them unless I could not fight, you can believe that, Sir. I would not take that, because that is not the thing that is going to help our Islands. What will help our Islands is peace, unity and love and I beseech one and all, I do not know who will be the candidates in the coming election. Well, if they have proper candidates I will vote for three, but I am very sure that I will make one X and that will be Annie Huldah Bodden's, if we do not have proper candidates.

I thank you, Sir, and all I can wish in this coming election that regardless of who contests a seat that they will behave as they should and know that righteousness exaleth a nation, but sin is a reproach to any people. Thank you, Sir.

MR. PRESIDENT: *I will suspend the proceedings for fifteen minutes.*

I think that if Members are going to put on boxing gloves they should remember that they have a referee in the Chamber.

MR. GEORGE C. SMITH: Sir, in any society it will always be uneconomic and one of the areas, Sir, that I will say you forgot to comment about, Sir, has been the progress in the winding up of Interbank. This, Sir, has been before the Cayman people for many years, they have been given continuous promises of positive results, but to date nothing constructive has been done. It is an area that I am told, Sir, that as a politician we have no control over, and it appears, Sir, that the control is left either directly with you or left in the area of the Court.

I have been told recently, Sir, that the area known as Governor's Harbour has recently been sold to a company who one of the principle shareholders is one of the liquidators. I have also been told, Sir, that the fees charged for this properity are below the normal rate charged for property in this area. And I feel that actions like this areagainst the better interest of the people of the Cayman Islands and I would urge that you in your capacity would investigate this matter, and I think that the public would also appreciate having a statement to this effect.

One item, Sir, touched on slightly by you has been the construction of condominiums on the Seven Mile Beach, and I should say throughout the Cayman Islands. It appears as if a number of persons are attempting to make this a political issue before the 1980 election comes around, and I think it would only be fair for me to make a few pointers here so that the public in general will be able to compare the advantages of having condominiums as well as having hotels in the Cayman Islands.

Much has been said about the advantages, or I should say the disadvantages of having more and more condominiums being constructed in the Island. Many people are now saying that we should have a major hotel, or I should say that the Government should restrict the construction of more condominiums and encourage the construction of a major hotel. I am not attempting today, Sir, to say which one is better than the other one, but attempting to compare the advantages of one against the other one. In so doing I would like to compare our largest hotel, that is, the Holiday Inn with an equal number of rooms as we would find in the condominium complex. At Holiday Inn today we have in the neighbourhood of 150 rooms. At present they employ in the neighbourhood of 18 maids to that same number of rooms in a condominium or a series of condominium complexes, the ratio of maids employed per 150 rooms, (and this is taking it loosely Lime Tree Bay having 72 apartments, Paradise Manor having X number, Beach Comber having X number of rooms; we see that a place like Lime Tree Bay alone employs in the neighbourhood of 14 maids. So giving the same number of rooms, or 150 condominium rooms, we find that the number of maids employed is more like twice the number of maids employed per major hotel for the same given number of rooms.

We take the area of the laundry department. Holiday Inn again employs in the neighbourhood of three to five persons depending on the number of rooms sold. In the condominiums they do not as a rule have large laundry facilities, but the laundry generated by these places are sent to our local establishment, or I should say most of it is sent to the local establishment, which in turn is allowed to hire a number of prime Caymanians. They also have a number of coin operated pieces of laundry equipment in the condominiums which as a rule is owned by the Caymanian company. The number of maintenance personnel, Sir, in Holiday Inn is now running (that is to support 150 rooms) in the neighbourhood of eight to ten persons. The number of maintenance personnel employed by the condominiums exceeds this again almost on a two to one basis.

The major hotel has quite a large staff employed in the kitchen facilities, entertainment facilities, bar, but again you will have to look at this from the point of view that a large number of the people that attend these hotels for the facilities for their night-club facilities for breakfast in the morning, lunch during the day, dinner at night, again comes from the people who reside in the condominiums. It is then possible, Sir, for the hotels, or the major hotel to boast that they employ 150 persons,

MR. GEORGE C. SMITH (CONTINUING): but it is really in conjunction with the number of persons living in the condominiums who utilize the facilities at these hotels that they can go ahead and employ 150 persons.

Further than that, Sir, the other private institutions, say places like 19th Hole, Swiss Inn, Pagoda Restaurant, etc. also employ a number of Caymanians, and they are able to do this because the clientele coming from the condominiums visit these places frequently and generate a very constructive business. One of the disadvantages, Sir, to having another major hotel on the Island would be getting sufficient trained staff to attend to all the facilities that another large hotel would provide. And I feel that in supporting the Planning Board in allowing these condominiums to come in that they are not only creating work, I should say, in the construction field, but they are also allowing the local establishments to flourish as a result of having these persons on the Island.

The last area, Sir, which I wish to comment on is that of the co-operation of the Caymanian Protection Board in controlling the number of persons coming into the Cayman Islands. I will not say, Sir, that I have always agreed with the decisions made by this Board. However, at the same time I will say that I do support many of the decisions and policies that they have utilized recently. I strongly support their decision to allow a number of very skilled persons to come in to complement our present work force in the construction area, but barring that I do not think that we will require many more persons to come into this country in the construction field, because we are naturally limited by, one, the number of blocks that the present facilities can produce per day, the availability of items like sand, crushed rocks, the availability of the docking facilities, and the ships coming to the Cayman Islands to bring such items as lumber, cement, and I do not see that the Caymanian Protection Board in conjunction with this should move to limit any plans for any future developments to the Island, because as mentioned, the natural restrictions that we have will automatically control the development in the Cayman Islands.

I feel that if an investor comes to Cayman and he can figure out a legal, sensible method in which to have his proposed structure constructed, I say he has all the right in the world to utilize it, and I do not think that the Planning Board in conjunction with the Caymanian Protection Board should interfere.

Again, Sir, I will support the decisions on the Caymanian Protection Board in limiting of the number of new permits issued, also with the decision not to renew a number of old work permits. I say this that we have a number of Caymanians overseas being trained for a lot of these jobs, and I wonder, if the Caymanian Protection Board does not take a stand in this area, what will happen when the Caymanians come back to our Islands, trained and capable of doing these jobs? We will be faced with situations where they will have to work subservient to a lot of these persons who have been established, and they are established in the fact that they are working on work permits, or possibly at this time they may have Caymanian Status, and I think we would be shirking our duty not to leave available openings in our society for the young Caymanians coming back.

The Lady Member has ably given us quite a comprehensive history of Cayman many years ago of the drive that Caymanians had to accomplish. And, Sir, I say that many of the young persons who will be returning to our Island shortly still have built into them this drive and if they are faced with obstacles such as having persons permanently in Cayman homes, they may feel are not Caymanians by birth, but established in Cayman due to the fact that our Government has given them Caymanian Status, I am afraid, Sir, that they will then divert those energies into creating a situation whereby those foreign nationals, or persons given Caymanian Status will also have to leave, and I think the end results will be a situation whereby the true harmony as enjoyed in the Cayman Islands will be damaged to the point where we have more to lose by not having the foreign national stay here than what we would have by allowing them to stay in the Cayman Islands.

MR. GEORGE C. SMITH (CONTINUING): The last item, Sir, that I will comment on is the fact, that we have had a number of amendments to the Insurance Law in the Cayman Islands, and I am a bit concerned as to what is happening on the motion made by the Honourable Member from North Side with possible amendments to the Motor Vehicles Insurance (Third Party Risks) Law.

I have had quite a few comments from the general public on the fact that the insurance companies are not possibly living up to their commitments, and the fact that Government has passed the Law forcing the general public to require insurance. And really the general public, or the man on the street I should say, does not really have a forceful way of forcing the insurance companies to live up to their commitments, or what the man on the street, I should say, would expect as a commitment of the insurance companies without getting legal advice, which is a very expensive item in this country today.

I think that it is time that we again examine the Member's from North Side proposal and see if there is not something that Government can do to alleviate the man on the street being forced to purchase insurance for his vehicle and having to go to very expensive legal means to register a plane or to get what appears to be legal justice.

I thank you.

CAPT.K.P.TIBBETTS: Mr.President, I must agree with what the Honourable Member for George Town said that it looks as if everyone is afraid to address you on this wonderful speech you made. Now I am not really afraid but I would have liked to have had a little bit more time to consider as I was unable to be here on Friday, as some of the matters that were discussed on Friday may be pertinent to me to refer to here.

But first of all, I want to say that this speech you gave us on Thursday, I believe will be one of the pieces of history of the future of the Cayman Islands. It was very comprehensive, it was very beneficial I am sure, not only to the Members of the Legislative Assembly but to the public and to our visitors as well.

I may be a little bit critical of some of the things that were said but I can assure you, Mr.President, that it is constructive criticism.

The first thing I will refer to is the Post Office. I know you must be tired of hearing references made to the Post Office over the years that you have been here. Things had really gotten straightened out fairly well but just here he recently I do not know what is the problem, but again in Cayman Brac our mails are being, I would say, mishandled or neglected, because it is usually a week or more after a letter has been posted in Cayman Brac before it is delivered in Grand Cayman or vice versa.

A certain person brought a complaint to me yesterday afternoon that it was six days from the time a letter was dropped in the Post Office in Stake Bay in Cayman Brac before it was in his post box in the West End, a distance of four miles. I cannot tell you what is the trouble, I was only told about it yesterday afternoon.

I realise the Post Office is becoming, I would say, more hard-pressed all the time. From your speech it can be seen how the mails have increased, but then I think we must see that the service is given.

Mr.President, one of my pet subjects is agriculture. It is a subject that I have a lot of confidence in, a lot of interest in, but I really do not see that our agriculture is coming ahead as fast as it should be coming.

Under agriculture I am sure it comes under this , there is a subject that comes under that that is becoming a problem in Cayman Brac, particularly, and that is dogs. Mr.President, I do not know who is going to do it, or how it is going to be done, but something has to be done about the number of dogs that are in Cayman Brac. I would venture to say that there are close to a thousand dogs in that Island and I do not believe that Government collects taxes on a hundred of them.

No doubt you have seen in the papers a few evenings ago where dogs had just destroyed three or four young goats and the dogs are roaming, I would not say wild, but roaming all over the Island , I do not believe you can find six with dog tags on them, no one is paying duty and they have really and truly become a nuisance.

Only Saturday morning I got a call from home after I had opened the store and my wife said that there were dogs around the chicken farm. I rushed back home and there were seven dogs around my chicken farm, trying to get the chickens out of the coop.

Mr.President, it is time that something is done about this and I feel it comes under the head of Agriculture and we must take some steps because if it is left alone I do not know what we are going to do in Cayman Brac. The dogs are destroying people's chickens all the time and I will repeat what I said earlier on they are not paying any taxes on them. Whose fault it is I am not here to say, but something must be done about it.

CAPT.K.P.TIBBETTS(CONTINUING): Mr.President, you mentioned airports. We in Cayman Brac are getting on very well with the extension to the Gerrard Smith Airport but there is one thing that worries me, Sir, we resurfaced the original airport a few years back and there were no lights put on it that means for us to put on lights now we have to rip up what was done just a few years back. I have asked and I have been told that the plans are to put lights on the piece that is being extended now, but we need lights on that old runway, Sir.

Every plane approaching an airport should have the vasi lights to approach by, that gives the pilot the glide-scope that he can safely approach that runway. We have been operating there since 1955 without any vasi lights on our airport. They are not only for use at nights, Sir, they are for use in the day as well as I think the time has come when we must insist that they be installed in Cayman Brac.

It is good to see, I am not taking the praise for it, but I mentioned it in this Honourable House before that they are extending Owen Roberts Airport here in a westerly direction towards Crewe Road. I know this is a lot more economical than going into the Sound with it and there is no reason that that airport could not have been extended there before, because if you go to the Piarco Airport in Trinidad, a very busy airport, that starts right adjoining the street, that is a four-lane highway. All you see is a sign each side of the approach "Beware of low-flying aircraft", and this will mean a lot as the air servicing out of Grand Cayman is not so necessary for landing but the necessity is really for a plane taking off and they have an extra thousand feet, I am sure is going to be a lot of benefit especially to Cayman Airway with their long haul to Houston.

Police Station: Mr.President, I must again ask that the Police Station in Cayman Brac be open 24 hours a day. Within the last two weeks I have had two occasions of where Police was needed and no one could be found. There was no answer from the Police Station.

Just two weeks ago my own brother happened to knock down a little boy on the street, he did not get any damage but he hit the car actually, fell down and he tried to get a police but could get no answer. As my office was not far away he called and asked if I could go to the Police station and see if I could find anybody. I could find no one,I called the District Commissioner, he could not get in contact with anyone, neverthelees in a few minutes a Police happened to arrive on the scene, they were going somewhere else.

Yesterday morning a building was set afire just before 8 o'clock. The Police was phoned and phoned and no answer until someone had to go to the Police station to get hold of the Police. I am not saying that a police could have done anything about the fire because that is not their department and the only fire truck we had could not leave the airport as the plane was already in the air on its way to Cayman Brac, but the police needed to be there because if the information I got is true this was done, I could not say maliciously, but done by someone that was mentally deranged, the person was on the scene, the Police should have come as quickly as possible to take care of the situation.

Mr.President, they were only two incidences here recently where we needed police, but, Sir, in today's modern age we should have our police station open 24 hours a day and there is no reason why we should not have it. I am asking you, Sir, in your capacity to give this special attention. It may save somebody's life, or some persons' lives because it has become a grave necessity.

Mr.President, you told us what we knew for a long time that this would be the last month for us getting aid from Her Majesty's Government. I feel it behoves this Honourable House to ask you to convey to Her Majesty's Government our thanks for the aid they have given us in the past.

CAPT.K.P.TIBBETTS (CONTINUING): I realise that a parent has to support a child until it can take care of itself and I feel that is the situation we have had in the Cayman Islands and I want to say thank God that we now have gotten to the place where we can take care of ourselves and I do not feel that we should be a burden to our parent anymore.

I would strongly suggest that this be conveyed to Her Majesty"s Government.

Mr.President, our Protection Board ... covers Immigration. Mr.President, in today's point of time there should be some steps taken to correct the amount of money a person has to produce when they come into the Cayman Islands. I understand that in Jamaica the Government allows them to bring out $50 (US) when they come to these Islands. In my opinion if those people have to go into a hotel that may just about pay their car -fare from the airport to a hotel, give them one night's lodging and back to the airport to get away. This is an anomaly that we should definitely take care of. I do not want to oppress anyone, I do not feel that we should oppress anybody, but we must be honest to ourselves.

I know in the past as the Honourable Member from George Town referred to, we all went to Jamaica, we were received with open arms. Mr.President, that is a different situation altogether from what we have today. We were a part and a parcel of Jamaica, we were a dependency and it was Jamaica's obligation to take care of us. Today we are two separate entities. I have no disrespect for Jamaica, but I feel in all fairness to our own people we must have this adjusted whereby if they come here, they cannot become a liability on the Government.

Mr.President, another subject is medical. The people in Cayman Brac, I am sure are happy to know that we have a part-time second doctor to help out at the Hospital, but we still have a very serious need. We definitely need a psychiatrist to visit these Islands periodically, especially as we have a few cases in Cayman Brac that need help and I am sure that it must be the same over here

A few years ago, the Hospital Committee of Cayman Brac met with the Member responsible and we discussed sending over a pediatrician to Cayman Brac periodically, this has been done on a few occasions. These two need to be definitely set together and be sent over to Cayman Brac for periodic visits, because they are two things that we need to have regular visits from a pediatrician and regular visits from a psychiatrist.

This may be able to save the Government some money and I am sure it can save the people concerned a fair amount of money. We have had cases where people's families had to take them and go off to Jamaica, the United States or some other place for psychiatric treatment, and it is very expensive. I feel that we should definitely take steps to get that across in the Cayman Islands.

Mr.President, I want to express how I regret to learn that there is no possibility at the present time of an oil transfer station being put up in Little Cayman. I know that everyone in Cayman Brac has the greatest respect for Cayman Energy as doing everything they can to help them out, but Mr.President, at the present time I think we have to lay down hard and fast rules. There is certain negligence going on with the operation that can cause us trouble.

It is no secret that there was a mild discharge there recently and a certain amount of damage and there are other careless acts going on that should be rectified. For instance, the tug that is being used now to tow the tenders and the barges about to handle the hoses has been without lights for several months. This has not been corrected. The only thing they have to use is flash-lights; at times they get quite a distance off-shore, as far as eight and ten miles. There could be another ship or some such thing, or one of those same ships moving around, cut that tug down and and cause the loss of lives of some of our own people. This should be corrected and make sure that

CAPT.K.P.TIBBETTS (CONTINUING): our people are given every chance of protection.

Again, their crew-boat or their tender at times brings as far as fifteen or twenty seamn back and forth on ships. This boat does not have sufficient life-saving equipment for that number of people. The same applies when they are going to a ship to take the local men abroad for tying up those ships. They get quite a few on there at times, life-saving equipment again is lacking.

Mr.President, it is not because it is just an off-shore job of a matter of a few miles but anything can happen. I believe we are not asking a thing too much when we ask Cayman Energy to make sure they have sufficient life-saving equipment for anyone they take aboard those boats.

Mr.President, this subject I am going to discuss now may cause some discrepancy. I believe you had a letter from the people of Cayman Brac asking for the Government probably to intervene and put down oil storage tanks. I know it is commonly referred to as being socialistic. Mr.President, if oil storage tanks is socialistic, then the Government Warehouse is socialistic, it is for the same purpose, it is for collecting revenue.

Mr.President, the cost of our fuels in Cayman Brac is : asonable compared to what they are in Grand Cayman. The only way that it can be helped is for storage tanks to be erected. I do not want to see Government go into private enterprise but I feel confident, Sir, that if these storage tanks can be built there would be no problems, no trouble to get the oil companies to lease them to supply the oil, and it would be one sure way of the Government knowing exactly what enters those tanks, what went out and to get their revenues, the revenue is very small from it, but I feel that it can be done and it is a means of helping the people of Cayman Brac.

If you go to Cayman Brac today you will be paying $1.86 for gas and I do not think that the gas stations are making any excess profit, that's the difference in the cost between Grand Cayman and Cayman Brac and the storage tanks would be the only possibl way of alleviating that cost.

Mr.President, I want to refer to Civil Aviation. I know this is a very touchy subject, nevertheless, I feel that I am duty bound to represent my people. Just last year when our airlines operating between the Cayman Islands was grounded, the company got another plane to charter to do the run. It made one flight and was forbidden to come back in, that was the DC3, instead of that we had to shuttle back and forth with an eight or nine passenger plane.

Mr.President, that crippled Cayman Brac and there was no reason, if that was a proper certified plane, which it was, that anyone should stop that plane from flying, unless they had something that they wanted to make sure they hurt Cayman Brac with. I am saying in all fairness, Sir, this was done without any thought of any help being given to Cayman Brac.

Mr.President, Red Carpet has an international service between St. Petersburgh, Florida and Cayman Brac, but for the last few months they have not been able to fly that directly because the Air Traffic Controller in Cayman Brac is not certified to give the weather. This I cannot accept, I cannot agree with, we must be able to get an air traffic controller that is capable of doing that job. I feel that if that man was put in charge of a station in Grand Cayman and he could not give the aircraft the wather that they could come in with, it would be a revolution, but still we must accept it for Cayman Brac, we must keep our mouth shut. Mr.President, these kind of things are what can breed trouble between the Islands and I feel that there is no reason, unless there is an ulterior reason by someone against the people of Cayman Brac, when they do us this kind of thing.

Mr.President, in conclusion I would like to say

CAPT. K.P. TIBBETTS (CONTINUING): this I do not know what plans there are being made in Grand Cayman or what part the Government will be taking if there are any sportsmen from here going to Moscow for the Olympic Games this summer, but I want to say here very emphatically that I am opposed to this Government donating one cent to send anyone to those Games.

I do not feel that we have anything to gain from it and I feel that we, as democratic people, would only be allowing ourselves to be brain-washed and be made on common grounds with the communist world, if we send our sportsmen over there. So I strongly oppose it and I would like that to go on record and I am looking forward to this Government refusing to send anyone over there.

Mr. President, I have covered the subjects that I had in mind.

I will go on to what the Honourable Member from George Town said awhile ago - this may be my last opportunity to answer a Throne Speech, nevertheless, God willing, I will be running for election in November. When I do that I am leaving it to my people. I feel that I have served my country well, it is not for me to decide, it is my people, so I am hoping, with God's help, the decision of the people, that I may be here to hear the next Throne Speech.

Thank you.

AT 12:38 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:30 P.M.

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

MR. J. GARSTON SMITH: Mr. President, first of all let me associate myself with other Members of this Honourable House who have congratulated you, Sir, on the very up-to-date, but concise Speech which you delivered in this Honourable House a few days ago.

Moreover, it is under your able and guiding hands that this territory has progressed over the past few years. For this, Sir, Caymanians are fortunate and sincerely thankful.

Mr. President, this Throne Speech is a very comprehensive one, so I will be as brief as possible in my debate. I like the phrase which you have used "that nothing succeeds like success". Your Throne Speech reads like a success story all along the lines.

Our plans and projections for another good year are well on the way, and by God's help and by all of us working hard together, the next four years will even be brighter than the four years which this Honourable House has almost now completed.

Mr. President, I refer especially to your comments on the economy of these Islands. Two areas, especially, stand out in my mind, number one - Cayman Airways, and the other the building boom. Cayman Airways was reorganized by men of vision. We have bought our new planes and operate them ourselves, and we are prospering.

We scrapped the old Planning Law, which is commonly known as the 'Destruction Law', and introduced a new Planning Law with the help of many citizens of these Islands, and building started to boom, investors and speculators alike are satisfied.

Where there is vision, the people prosper. May God grant us that vision to continue to steer the course of democracy and prosperity.

Mr. President, it was a good move made by Government when they decided to give top priority to the building of a new Prison, and that it will be complete by the middle of this year. I am very happy with this because it will not only eliminate the sending of our boys and girls to Jamaica, but will provide for the repatriation of those now

MR. J. GARSTON SMITH (CONTINUING): serving sentences in Jamaica.

Mention was made, Mr. President, by one of the previous speakers of how good Jamaica has been to us. I wholeheartedly endorse this, but, Mr. President, Jamaica is well paid for the services they render to the Cayman Islands, especially our prisoners. If my recollection is right, I think the Jamaican Government is paid something like $3,000.00 for each prisoner that we have in Jamaica.

The important decision in the portfolio of Finance and Development to abandon exchange control, in my opinion, is a good one, and I dare say that within a year we will be reaping the benefit from this.

New policies have been introduced for medical and hospital services, and education in 1979, and reconsideration of social services policy has taken place. Mr. President, health is wealth, and I support every move to improve our medical, health and educational facilities.

Speaking of education, Mr. President, I must say in all sincerity that I am pleased to see the way education has progressed under our present portfolio. Four years ago, Mr. President, our education system seemed to have been headed in the wrong direction, and by this time we would have been in the deepest mud. I trust that our young people will avail themselves of the great opportunities available to them so that they will be true leaders of the future and that they will lead our beautiful little Islands in the ways of peace and prosperity. From the book of Proverbs I quote, "Get wisdom, get understanding: forget it not; neither decline from the words of my mouth. Wisdom is the principal thing; therefore get wisdom: and with all thy getting get understanding".

I am also happy to see that much improvements have been made on our playing fields, especially the play field in my constituency. Much improvements have been made for which I am very grateful, but much is left to be done, and I hope in the near future more will be done so that our young people can be taken care of properly.

My desire, Mr. President, is to see a nice park in each district and then a stadium.

I am also happy to know that a committee has been formed to co-ordinate activities undertaken by Government and the private sector which will provide for the needy. This is long overdue and this has my full support.

Mr. President, you also mentioned in your Speech that the planning of a Home for the Aged is well on the way and that Government is playing a vital part to complete phase I to accommodate the first 15 persons. I also give this my wholehearted support.

Mention was made in your Speech that the Caymanian Protection Board will be dealing with a backlog of applications for Caymanian Status. Mr. President, people should know where they stand especially those people who have direct connections with Cayman.

Much has been done in all of our districts, but we must continue an extensive road programme to open up more of the Island for development, because most of the Island has not been touched.

Cayman Airways, as I said before, is a great success story, the mainstay of our economy. May this good work ever continue. Our critics should hang their heads in shame.

Mr. President, I happen to be one of the delegates who represented the Cayman Islands at the Regional Conference held in Nassau last year, and those of you who read the newspapers saw that my main mission was to advertise and promote the interest of the Cayman Islands.

The ban on the import of turtle products from a closed-cycle farm operation which now draws nothing from the wild is difficult to understand, and seems both impossible to justify and contrary to natural justice. These are fair comments on the part of the President, but I hope that somehow the truth will come out and the matter will be resolved in our favour.

Mr. President, at this time I want to express my

MR. J. GARSTON SMITH (CONTINUING): great appreciation at the International College of the Cayman Islands for having secured accreditation in the United States enabling it to award, recognize, American Universities and Institutions of higher learning. Let us bring on an awareness of the value of education, especially to the youths of these Islands.

The year 1980 is now with us. We, the Members of this Honourable House have a good record with a surplus of over $5M, in fact it is a fantastic record, after taking over a Government that was almost bankrupt. The projections and plans are well laid and we look forward to a prosperous year.

Mr. President, I pledge my wholehearted support in all things pertaining to the good and welfare of this little territory and the people that I love, and if I am re-elected for another four years, and God willing, I shall be, I will return to this Honourable House with the same spirit, co-operation and reverence as I have displayed in the past four years.

As I have said in the beginning, your report a very comprehensive one, your projections are reasonable. All in all, our colony seems to be in excellent condition. So, Mr. President, I shall conclude, I believe, with the words of Sir Winston Churchill, a great war-time leader, "This is my finest hour".

I thank you very much, Mr. President.

MR. PRESIDENT: Are there any other speakers?

HON. TRUMAN M. BODDEN: Mr. President, I guess I may have to continue on to the break.

Firstly, I would like to congratulate you on what I think has been a very able, very comprehensive, very precise and very fair Throne Speech that you have delivered at this session. It is always very good to listen to a speech which is that well put together.

The early part of your Speech dealt with the financial position of the country and I would just like to touch on that very briefly. It is always an achievement, Mr. President, to see a country that is prepared to save. It is very easy to spend, it is more difficult to be able to save for a rainy day, it epitomizes the difference between ability and inability and between stability and instability. The continued spending in a country is not something that can go on forever and ever unless there is a sufficient revenue to back it. To that effect, Mr. President, it is always good for us to remember, not only personally, but with Governments that there is always a rainy day, that economic cycles are cycles - they go up and they come down, and while one is on the crest of an economic wave, then one has to save for the time when the revenues will fall.

However, Mr. President, the revenues of any country are the assets of the people, and the savings of a country are the savings of its people, and at any time when one is on that crest of an economic wave, then I feel that one has a duty as we have done in this House to repay excess funds, even if it is in small amounts, back to the public, and to see that as far as possible, our duty towards our people to ease the economic burden, and to solve, at least, a part of their economic problems are carried out.

The surplus of $5.118 million is perhaps one of the highest surpluses per capita, excluding some of the Middle East, or countries which have very expensive internal resources. It does mean that this Government could continue its operation without any revenue being taken in for three months, and this, Mr. President, is an achievement which if every individual strived towards, I believe that there would really not be economic recessions within the community. Along with this, Mr. President, has been a very large reduction in the capital expenditure, the debt that was inherited by this Government. I believe that has been paid off at the rate of - in excess of $1.1 million, as to both interest and capital per annum, and has therefore been reduced considerably.

Perhaps those funds had to be spent during the stage of the recession, but I believe that if this country reaches a stage

HON. TRUMAN M. BODDEN (CONTINUING): where it does have a savings to buffer the economic recession, should it ever come, then it should be in a position to come out of it in a far better state than happened in 1976 when this Government took over.

The time to save is always when the economic cycle is at its highest so that during a recession should there be unemployment, then some of that slack can be taken up with an expanding of the capital expenditure projects within the community. Similar to the bank interest rate which is normally very low in a recession, high in a period of boom, there should be always a movement towards expanding an economy during a recessionary stage, and of contracting it when it moves into a stage where it has reserves and is in a peak economic period.

The immigration, which is the matter you went on to next, is and will always be one of the very contentious areas within any country. The United Kingdom has recently introduced, or at least published a white paper which would really make some of the provisions within our own law appear to be somewhat of an easy provision. For instance, they introduced in their policy that the self-employed person would normally after filling out a criteria have to inject - keep within the country, and also have available at least £100,000. It also recommended provisions relating to work permits.

Mr. President, for a long time it has always been the policy, and continues to be the policy of this Government to grant work permits to spouses of persons employed here. That policy has been stopped substantially in the Bahamas, in Jamaica, in the United Kingdom. In fact they have, in those three countries reached a stage where persons who are there on scholarships, which are perhaps the most mitigating of any circumstance, theirbeing in a country, namely for training. They have required that they be supported by the country that sent them there, for example, the Cayman Islands, and will not grant work permits to those people.

I am merely drawing an example between what our immigration policy is and those areas which are more harsh within other countries. So, to think that compared to those countries, and, such as the Channel Islands, where for instance one has to purchase a house which I understand can run a person in excess of £75,000 to £100,000 before you are entitled to reside, the policies are still in the infancy of control. The policy continues to be one which is fair and equitable, but one in which our first duty, Mr. President, has to be to our people. In fact the duty of every Member of this Assembly, at least on this earth, is towards our people firstly.

Immigration policies are ofnecessity restrictive and there are always good reasons for this. The United Kingdom, back in the mid 1960's let in large amounts of immigrants through a more open immigration policy; today they are unfortunately realizing the difficulty that it is to correct a mistake which is made from the point of view where persons are granted permanent rights within a community. But, they have tackled that problem, and I think very ably.

The policy must always be one which will permit the development within a country to continue, will allow it to be stable, and will allow it to be fair and equitable towards both the Caymanian and the non-Caymanian. However, as I have mentioned earlier, the duty of this House is towards representing the people of these Islands.

The view that we have an obligation to accept persons from any country, be it Honduras, Nicaragua, Costa Rica, Jamaica, or any other country is one which has to be compatible with the wishes of our people. It is a mistake to believe that because a country has had economic problems that we have a duty to let people into this country because of a mess in their own economic or political state within their country. While I think that we have a certain duty towards persons coming from countries that have been near to us, and the Third Elected Member for George Town did mention this, for instance, Jamaica. I think the Member for Cayman Brac who has recently spoken has pointed out that we have to be somewhat careful

HON. TRUMAN M. BODDEN (CONTINUING): not to blur the future with the past, but always bearing it in mind, and where possible exercising one's discretion towards mitigating the problems within those countries.

But I do not think that it is right to say that we have a duty to let in a large number of persons either from Jamaica, or the Latin American countries, and we have just recently seen one of them go through a state of revolution. I believe, Mr. President, that immigration here, within the mini state that the Cayman Islands is, has to be very carefully controlled, in fact I think it would be a detriment at this stage to let in large numbers of immigrants into this country, because as the Member for George Town pointed out, there are good people within every country, and the influx of a large amount of people must bring with it, especially on the short-term permits persons who have not been cleared for criminal convictions who do not produce certificates stating that they are free from them, and also many times do not produce references. So to create a country within a country, must ultimately cause friction and finally I think many of the problems of some of the other Caribbean and newer independent countries.

One has to be fair towards persons who have been here for a long period of time, but that same duty, Mr. President, is not as high towards persons who have not been here for a long period of time.

We also have to bear in mind that we have on the average 200 to 250 students per annum coming on to the job market. We have Caymanians abroad who are coming back to the Islands, we have training schools, and extensions now of the Cayman Islands High School, and we also have an upgrading of the education system which will finally put a very heavy onus on this House to ensure that those persons are fully employed at the time they complete their schooling, or their qualifications. Therefore, Mr. President, I believe that the policy of this Government to have an immigration policy which is fair and which is equitable, which produces stability, and which has, despite what was said earlier, been administered, I think in a very able way through the appeals to Executive Council, then I think that this country can continue for a long time with it.

If it is wiped out and there is an open ended policy on immigration then, Mr. President, with a country of 16,500 people we will very shortly be without identity and we will have problems that we cannot solve, and that no country this size would be able to deal with.

For the sake of clarity, the quota system does not apply to renewals of Gainful Occupation Licences, and any misapprehension that may have been gained about that, I would just like to clear out. So we are really substantially dealing with (as I am speaking here) the new Gainful Occupation Licences, and in some instances with replacements of persons. In fact, Mr. President, I think that the future of this country hinges very heavily on the immigration policy that is laid down, and is put into effect, and the day any one becomes shortsighted in relation to that policy and does not plan long-term, I think that in the long run we are going to live to regret it.

In fact, Mr. President, now there are approximately 2,800 persons who have Gainful Occupation Licences, and their dependants, a joint amount, and it would be a fallacy to believe that you could grant Caymanian Status to 2,800 persons per annum in a matter of 7 or 8 years, the country would have doubled its population. However, the good people, people who contribute to this country, people who come here with the view to building it should, I feel, be granted the permanence and the rights that go with the granting of Caymanian Status.

The creation of the exchange control freeport, I think has been good, and I think that there should be other reforms including the dealing with the possibility of closing the exchange rates that the banks now operate under, and perhaps in due course, Mr. President, having a look at the clearing system within the country to see whether perhaps at this time it may not be possible to deal with it. One of the fallacies that is sometimes raised is to have the Cayman Islands dollar put on par with the United States

HON. TRUMAN M. BODDEN (CONTINUING): dollar. That does not mean that there has to be any change in the value of the currency through a devaluation or a re-valuation. If it ever is dealt with, and this Government is by no means dealing with it, then it is normally done through the issue of a new currency, say of a unit called the 'U' dollar and the withdrawal of the old dollar over a period of time, so that the books in banks are automatically on a specified day where they had one Cayman dollar, then they would put the equivalent of that in new Cayman dollars, it does not necessitate a devaluation or a re-valuation, or any alteration, or loss to any person.

The policies relating to the schools have now been, in part, introduced and implemented up to a point. I have always believed, Mr. President, that it is better to take one's time to deal with a matter comprehensively and to lay down a system which is so vital to the operation of any matter, not just on the private side, but within Government. The policies have for the first time introduced written provisions whereby any successor of mine may look and see precisely what have been the policies in the past. We are now to a stage where an internal handbook has been substantially prepared, and it will bring the last remnants of certainty into the school system about as far, at least, as can be dealt with through written documents. It will include chapters on most matters relating to schools, from the day-to-day operation of it, through to dealing with areas such as sports, which are sport days, it will cover things such as the re-ordering of books, the times of the schools and what are to be done in certain emergencies. That will hopefully provide an internal handbook that will put the teachers in a position where they know what is expected of them fully, they know where to find it, and they have no reason not to do it through ignorance of not knowing what is in there.

In fact, Mr. President, after the initial opposition to anything new, there has been a very good acceptance of the policies and of the reporting system which has been set up. I have endeavoured to have the Education Officer, or Supervisor, as he is more commonly called, in a position where he can move through the schools fairly often, and he reports back to the department, the portfolio, with detailed conditions and detailed reports, both as to the academic side of the schools, the physical side of the schools, any peculiar staff problems, and he also recommends how to deal with those problems. The head teachers are requested at that time to implement the solutions, and we have found that this has worked very well.

Also, whenever problems arise, there is a mandatory meeting of staff with their heads, and heads of schools with other heads, and the department, and once and for all we have a getting together of people - they sit, they face each other, and they endeavour to solve the problems. It also has allowed me to be very up-to-date on many of the problems within the schools, the Parent Teachers' Associations have very kindly cooperated and they give me copies of their minutes, both within the Primary and the High Schools, and I believe, Mr. President, that we are getting somewhat nearer towards a more cohesive system, both on the Government side and on the private side.

While on the question of schools, I would like to wipe away one of the fallacies which has been raised somewhat earlier. The Middle School is not a system, the Middle School is a building, and within it there has been a continuation of the system of education which has been in this country as a system for many, many years. All that the Middle School has done is to take the place of the lower section of the High School, but the Middle School is not a system of education.

The Third Elected Member for George Town mentioned the question of the Cayman Prep School creating a school, (I think she mentioned) for the middle or upper class. Within every country, every democratic country, there are normally two types of schools, there are the Government schools, and there are the private schools, and that is, I think, one of the cornerstones of the creation of the democratic society, to endeavour to restrict the right of

HON. TRUMAN M. BODDEN (CONTINUING): a private school to extend its educational facilities, would in my opinion, not be in line with what goes on in a democratic country.

I do not believe that the continuation of private schools can in any way jeopardise this country, in fact I think it is very healthy for this country, and I have endeavoured as far as possible to promote private schools. In fact, Mr. President, they have been here from Cayman's time immemorial, and I hope they will go on forever and ever. However, if there is a feeling that the Cayman Prep School in creating a Middle School is going to cause segregation of any sort, then this is a church matter of which both the Lady Member and many Members of this House are members of the Presbyterian Church, and it can well be taken up at that point, but I want to point that I will always promote the private schools, I will endeavour to give them such grants as are reasonable, and in fact we have another three schools, private schools, now operating a higher school system. The Triple "C" School and Truth for Youth being perhaps the larger of those three. We also have the private system of schools operating with the Catholic School, the Prep School - we have a school in West Bay, the Wesleyan, and I could go on and on.

So what I am saying is, to take the Middle School and to say that for a private school to have a middle or an upper school, which will create any type of upper class school is really at this stage a fallacy. In fact, these schools have existed, they are very good, they create a good balance against Government, and in fact, I believe that there are probably only some very distant countries that only have a government system of education.

When that exists solely, Mr. President, there is normally an aim to educate within a very limited area, and only an area that Government wishes to have people educated, such as in our nearby Cuba, or some of those similar countries. And I would like to make it abundantly clear that my view is that private education is healthy, it should be promoted, in fact, I think you mentioned in this, Mr. President, that 31% of the schools' population is private, which really means, Mr. President, looking at it from a purely physical or economic point of view is, the equivalent of close to CI$2M recurrent per annum. So I do not think that we would have the surplus that we have now if we had been paying out a couple of million each year on the recurrent basis.

However, I am not one to interfere into the private schools, I have endeavoured to assist and help, but I have never attempted to go in there and to tell them how they should run their schools, even though if the standard ever dropped very low, I may perhaps endeavour to help more than at this stage. If there is a matter of segregation within a church school that is a matter for the church, and it is not a creation of this Government, or of my portfolio, even though I do not believe that that is the situation. I am certain, in fact, it is not the situation, but I would like to clear that and lay it squarely where it is.

Mr. President, I am hoping with the assistance of your Personnel portfolio to be able to increase the administrative staff within the Education Department and within the schools. What I find is a problem, is that there are not sufficient persons within the administrative strata of the school system and, in fact, of the hospital and the social services side to adequately cope with it. We have good people in there, but they need more people in there really, they need an increase in the administrative side. If I can do this I can tighten the reporting system considerably, and I will be able to monitor the schools much better, and to be able to solve the problems quicker.

Mr. President, the examination results, and even more important the National Achievement Tests, I think has been a very good barometer to show that the schools standards have moved upwards. In fact, it has only been two years of the National Achievement Tests, and for the first time there is a barometer whereby we can begin to measure the Primary School students as they move into the Middle School. This is going to be extended,

HON. TRUMAN M. BODDEN (CONTINUING): as you have mentioned here, to another two subjects, and I hope ultimately, Sir, with the standardization of textbooks and of the syllabus within each school that we will be able to have statistics, and to be able to really look at what schools are achieving. It is never possible to have examination results, or test results not fluctuating, but at least if we have a barometer and we find a drop, then we can get in and correct it.

The medical policies have now been introduced for some months, but I have been facing a problem which Members know in getting a Hospital Administrator into the Hospital. I had hoped to have these implemented by an Administrator, but we recently were not able to get a very good administrator that the Government had agreed to employ, and as a result I have now had to resort to putting in what you could refer to as an Executive or a Working Committee, of which I am a member, which is going through the Hospital and dealing with it department by department.

I naturally have a certain amount of limitations on expertise within the area of medicine, but within the limits of my ability, and we do have experts on that Committee, I believe that we can upgrade the Hospital and the medical throughout the Islands considerably until we are in a position to get a qualified Hospital Administrator. That is the ultimate answer, but at this stage I do not have that tool which is a key tool in the upgrading, and we are now endeavouring, and we have had several meetings with the staff, and we have gone through many of the problems and we are now endeavouring to begin to solve them.

However, it is a slow process if it is done comprehensively, because it is quite easy to take one department, say the out-patients, upgrade it and leave all the rest, and within two months' time - the lack of upgrading of the other departments just causes everything you have done in that one to finally go back to square one again.

As with the education policies, a handbook is being prepared for the internal operation of the Hospital, and this will deal with the professional side and the running of the Hospital. Many times within Government where there is not sufficient certainty, excuses are raised that perhaps people did not know they should have done this, or they did not realize they should have ordered drugs in time, or that some other action should have been taken.

The by-laws, as they will be called, of the Hospital will put considerable certainty into that system, both as to procedures on the professional side and as to the administration of it. And I think, Mr. President, that once I can finally get, not just the external policies, but the internal regulations, both within the schools and within the Medical Department, that things will begin to operate smoothly. I have also recently appointed members for the Complaints Committee, but I wanted to actually get my action team in there to endeavour to solve some of the problems before I actually put that Committee in operation. I believe it is going to be reasonably active, so I have tried to clear away a bit of the dust in the early stages.

The Member for West Bay mentioned that there is still a fair amount to be done in relation to the play fields. I have endeavoured, and I am hopefully beginning to achieve that aim now to upgrade all of the fields in all of the primary schools, also, I am happy to associate with his wish that ultimately, each district will have their own sporting facilities and ultimately they will have a stadium type of facility in it.

I am quite in sympathy with the Member from Cayman Brac in relation to the Olympic Games, and as usual we follow fairly closely the Mother Country, and I would expect that he will have no worry in that respect of Government endeavouring to go outside of United Kingdom policy, and endorse any one to go there.

The question that the Cayman Brac Member mentioned of a psychiatrist is being dealt with. It is going to be very difficult to get a full-time psychiatrist , firstly; and secondly, to keep him fully employed. We

HON. TRUMAN M. BODDEN (CONTINUING): are hoping that we can get a general practitioner, or rather psychiatrist, who can do some G.P. work and we will be able to utilize him fully. However, what I am endeavouring to do now is to have someone down on a consultancy basis so that at least we can have an analysis of the cases on our hands at present.

You have dealt very comprehensively under the heading "Training" with what is now progressing at the Marine School and the building school and the hotel school. I would like to join you in thanking the banks, or rather the institutions that have been benefactors and granted scholarships to residents. I think this is good, I think it should be encouraged, and hopefully with the Bankers Association now beginning to go into operation we will also see an extension of these, but it is always very good to see that that consideration is given.

With Cayman Airways, Mr. President, I think we have seen, as you mentioned, one of the biggest turn arounds that any type of business, be it private or Government owned has ever had, one can never cut out the element of risks in any business, but I think that with a lot business ability and a lot of luck and a lot of hard work, this little airline is well on its feet. It takes time and especially in the airline business it also takes a lot of technical know-how that I think the staff and the directors are now beginning to acquire. One observation on your reference to a contingent liability is that there is a difference between a good contingent liability and a bad one, and so far the airline has been paying its way, so we have a good contingent liability which hopefully will not crystallize into a bad one, which I am sure will not.

The Public Library has, I think, moved now towards an upgrading which I fully endorse. We will have within the social service policies, as I will mention later on, library Rules which are very much in line with what the Library Committee has put up, they are endeavouring to get the library system into each district, because I think it is very important that residents have a library even if it is open on a limited basis that they can borrow books from and increase their educational, and I guess, their entertainment within their own district.

The portfolio for Agriculture, Lands and Natural Resources has despite perhaps not as good results from the agricultural side as some people may have expected put in considerable work in endeavouring to upgrade what is a very difficult industry to upgrade in Cayman, and I think that the Member should be given credit for his efforts there. The inability to use mechanical equipment, the pocket type of earth, the different variations in soil, the lack of reasonably cheap labour are problems which are going to be with us forever and ever as long as the country develops at the rate we are going, but I am sure that we support him, and we hope that he will begin to find some more solutions to this basic industry.

Mr. President, despite the criticism from time to time which is levelled at the police, and I am sure any Member that is within the House levelled it quite rightly, it is very good to see that there has been a reduction of 10% in the burglaries, because this had in the past increased fairly seriously, and at least, I believe they are now coming to grips with the property offences.

I believe that the focus should be, in the future, on the Drug and the Traffic Departments, and if we can upgrade these where the larger part of our offences appear to be committed in, then I think we do a lot to continue in the reduction of the crime rate.

Mr. President, one of the balancing factors of your Throne Speech has been the frankness that you have not just approached the good results, but also dealt with the problem areas of this country. That frankness to see problems, to isolate them, analyse them, is critical to finally solving the problem. You quite rightly mentioned the problems with the Turtle Farm, which I am sure everyone endorses your view on that and also of a failure to get a bulk storage facility for oil, at least in the short-term. However, you have stated very clearly the underlying problems that have caused these,

HON. TRUMAN M. BODDEN (CONTINUING): and hopefully in relation to the oil we will see a turn around in the not too distant future in the international market.

In fact, Mr. President, I believe that after the usual spate of elections that will arise in 1980, and that normally arise every four years, there will be a settling on the United States Government and the United Kingdom Government and the other major countries decisions and policies on oil, and hopefully the oil companies will be in a more stable position to deal with the long-term throughput contracts that are needed.

The Public Health Committee has been sitting for some months now and hopefully in the June session there will be the legislation and regulations as well as some short policies. It is one area of the portfolio in which there is neither legislation other than a fairly skeleton law, nor are there any policies other than some ad hoc policies that have been made relating to matters such as garbage and rodent control. That law and the regulations will be put to the public prior to coming to this Assembly, as I have always done with my policies, and the public will be asked to criticize it and to improve on it and to point out any areas that they feel are not compatible with what the public wishes. It will be fairly comprehensive and it will provide a machinery for adding subsequent regulations to it. It may not be possible to reach the Food and Drugs Law within the near future and that may well have to be left for sometime later on.

We are, however, in the stage of implementing a rodent control scheme, and hopefully within another month or two that will be fully enforced.

Mr. President, the Public Works, I think, should be congratulated for the effort and the craftsmanship and the quality of work on the Middle School as well as the Prison that is now just probably a month, month and a half away from final completion. Hopefully, when this is completed and we get in regulations, which have been in draft for sometime, but we are waiting to get a Prison Adviser prior to completing them that we will then shortly be in a position, provided we can get the staff at this time to put into force a full prison system and the new Prison.

The Phase II is something that will be dealt with in 1981 by whoever may have this portfolio, but it will extend the facilities to where we should then be able to deal fully with the majority of our prisoners unless there is a serious influx at any one time. In any event the temporary facilities in George Town that will be used for the female prisoners, could I would expect, in the event of a serious over-crowding be used as a lock-up on a temporary basis, but not as a prison as itself.

While moving on to the subject of finance again, I think that you have set out very clearly the position between capital financing and recurrent financing. The country cannot finance long-term capital projects out of recurrent expenditure, but provided there is a reserve, provided the development is needed, and provided that the conditions of borrowing are favourable, I feel that it is the only financially sensible way to deal with a project; put it on a long-term basis and to spread it over a period of years.

Mr. President, the area of social services and the policies which are now being dealt with by a committee, which I regard as about as representative as one can really have of a small committee is advancing fairly well. It is very diverse, it covers a very large range of social areas from dealing with matters such as the Public Library's rules back through to the basic social problems such as over-crowding, and aid to the needy, visiting of shut-ins,and on to matters such as acoholic and drug clinics. However, I hope by the June session to have at least a part of those policies out to the public and hopefully back for this House to deal with.

It is being approached in a methodical way, we have had maps of the more depressed areas and taken surveys as to the number of persons in each house; the sanitary facilities, the water facilities, the area of property that the building is on, and a card system has been adopted along with very detailed

HON. TRUMAN M. BODDEN (CONTINUING): (what used to be called, at least poor aid) relief forms so that the full case history of any person can be seen at any one time. It is only in this way that I think one can effectively deal with the upgrading on the social services side, because to go at it in an ad hoc way, go in to some place and give out a bit of money is not the answer. I think we have to endeavour to induce these people to want to raise their standard of living, to want to better themselves and their family, and to just give everything to them is not going to be the solution. So the programme will come in where aid will be given, but it is going to be followed up very strictly with a system that there will be self-help introduced into the programme.

Within my own district, I am very happy to say that the very valuable property called the "White Hall property" has been purchased by Government. I think all the Members in George Town, and the whole House agree that it was a very good move, and also five acres of land have been purchased on the School Road which will go towards dealing with a park and also, if that Committee so recommends to deal with the housing problem in the nearby area.

The National Council of Social Services has kicked-off in the last year to an extremely good and financially viable position. I have always believed, Mr. President, that it has several functions, but without sufficient funds none of its functions can be fully implemented. It has seen within the last year an increase in funds and its project, such as the Home for the Aged, and the pre-schools have undoubtedly benefited; this Government naturally stands behind these projects, and I am very happy to say that on the Committee for the social services there is a member of the National Council of Social Services, in fact, it is Mr. Arch, who has sort of pioneered this organization, and the policies that do come out will be compatible with that organization.

National Council of Social Services along with the service clubs play a vital role, in fact just as vital a role in society as do the private schools within the area of the school system, and every help should be given to promoting the service clubs and National Council of Social Services, and it is to this effect that Mr. Arch is in with us on the policies, and we are endeavouring to upgrade not only the Government side, but also the private side.

The Second Elected Member for George Town dealt with the question of condominiums. It seems that since a series of odd articles by an odd publication came out that there has been an approach that condominium projects within the Island are not good for the Island. Perhaps like everything else, too much of anything can be a problem, but it would be a fallacy at this stage for this Government to put the brake fully on condominiums and have the economy grinding to a halt. This happened back along about five or six years ago when I understand that there was a feeling that there would be no more hotels for awhile. The brake was applied, the brake froze, and I am afraid we have never had a hotel since, not blaming that at this stage, but it is a very good example of what can happen if you do not deal very carefully with a problem and look at it from all angles.

Condominiums are owned by private individuals and this is similar to having home owners within a country. We have endeavoured to promote Caymanians to have homes, because this provides stability, and the people who are coming here in the event of a recession, they own the property, they have a duty even if it is from their conscience point of view to visit the Island, to live in the condominiums, and they also provide a fair amount of work.

Now we do need a hotel, and that is obvious, but we have done everything, this Assembly has done everything that we can, and it just has not come about yet.

On the question of development the Government always has to be very careful that it does not kill the incentive for development, but that it exercises fair and reasonable controls over the development once permitted. In every free society, every democratic society, there is a market, and finally the market reaches its level, as the Member for George Town mentioned,

HON. TRUMAN M. BODDEN (CONTINUING): either through the supply and demand for materials, or labour, or for persons who purchase the condominiums, so I would be extremely cautious how one endeavours to dampen any aspect of the economy.

The day that this country goes to a stage where we have a large amount of unemployment.....

MR. PRESIDENT: I am afraid the tape has run out, so I will ask the Honourable Member to take a break. How much longer do you.....

HON. TRUMAN M. BODDEN: Not a lot, but if you wish to break now.....

MR. PRESIDENT: I will suspend proceedings for fifteen minutes.

AT 4:08 P.M. THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED AT 4:21 P.M.

MR. PRESIDENT: Please be seated.
Honourable First Elected Member has the floor.

HON. TRUMAN M. BODDEN: Thank you, Mr. President.
To sum up on the question of condominiums, I think that it would be very unwise to do anything at this stage which would hamper the continuation of the building of condominiums, always remembering that there must be reasonable and fair controls over them.

Mr. President, I would just mention a thanks to the staff in all the different departments and portfolio that I am responsible for, and especially for the help in the Education Department and the schools that I have been shown in bringing in the somewhat new and detailed policies that I have brought in.

The future of these Islands is one which is moulded within the walls of these Chambers, and it is always a very heavy burden on all of us, and an even more heavy burden on the electorate in choosing the persons who mould the future of the country.

This Government has shown that to be a Government of action rather than words, brings results, and results are what the majority of people look for. However, one pays a very high price for results because one has to take many times decisions which may not always be popular to some areas of the community. I have often thought, Mr. President, that if I spent as much time in telling people what I was going to do, then I would not really have any time left to do it, I have therefore, Sir, taken the opposite approach, and instead of spending a large amount of time telling people in my constituency what I am going to do, I have endeavoured, as I am sure have the other two Members for George Town have gone ahead, and I have done it. However, politics is a very fickle subject, and this year is the time that the probability of that fickleness may be brought out.

Your Throne Speech, Mr. President, has been undoubtedly one of the most comprehensive reviews that this country has seen, it has been one of the most frank expressions that I believe has come from the Throne Speech time of the Assembly, and it has really covered such a wide and comprehensive area that I can only say that it is so well done that I am sure you will have one of the shortest periods of debate on it.

To finalize, Sir, the position that this country is now in is one which I believe Members and the public can be proud of. Like them I love this country, it is mine, I have lived here all of my life, I have no other alternative, and I would not want any other alternative, and I intend to fight for the betterment of this country to the bitter end whether within this House or outside of this House. I always remind myself that living in the

HON. TRUMAN M. BODDEN (CONTINUING): past is good, but there is a saying that if one constantly lives in the past, one bankrupts the future. Both have their place and both should be weighed and given the equal amount of prominence that is required to go to each one.

The final analysis of every country is its people and especially in a democrary they have the right and always the right to choose their representatives. If they look at results then I believe that they will feel justified and satisfied when going to the polls in 1980. However, and this is, if I am into the race at that time, whatever are the wishes of the people of this country, I will always abide by whether I am running, whether I am out or whether I am into this House.

Finally, Sir, I think that we have to thank God for steering this Assembly and this Government in a way that we have been able to look back on a good four years within the House, we have, I believe helped our people, and it is only with the continued acceptance of the guidance that He gives that we can finally put this little country, and even continue it at the pace and the standards and keep the happiness within it that now exists. That harmony is vital to the Islands and with a continued closeness and the bringing in of the moral and religious aspects of the community, I believe that we can preserve it.

MR. PRESIDENT: I do not think there is time to start another speech tonight, so we have really come to the end of today's agenda.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House until 10:00 a.m. tomorrow morning.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TOMORROW.

STATE OPENING AND FIRST MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON TUESDAY, 18TH MARCH, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.B.E. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V.G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION.*
HON. JAMES M.BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. JOHN GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN V. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.,	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. K.P.TIBBETTS, SR., J.P.	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, J.P.	*MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ORDERS OF THE DAY

TUESDAY, 18TH MARCH, 1980

1. QUESTIONS:-

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

No. 16: Will the Member state whether any steps are being taken to have an inquest into the death of the 12-year old child who was killed in a motor car accident on the West Bay Road, a few months ago?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No. 17: Will the Member state whether any investigation has been carried out by Government in the matter of the alleged shortage of drugs at the Government Hospital, as reported at the last meeting of the Assembly, in November, 1979?

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

No. 18: Will the Member state whether any investigation has been carried out concerning the box recently consigned to a government department and which eventually disappeared?

2. GOVERNMENT BUSINESS: -

BILLS

THE FIRE BRIGADE (AMENDMENT) LAW, 1980 REPORT THEREON & THIRD READING

3. CONTINUATION OF DEBATE ON THE THRONE SPEECH.

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TUESDAY, 18th MARCH, 1980

MR. PRESIDENT: Proceedings are resumed.

QUESTIONS

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

NO. 17. Will the Member state whether any steps are being taken to have an inquest into the death of the 12-year old child who was killed in a motor car accident on the West Bay road, a few months ago?

ANSWER: I am informed that the papers relating to the case in question have been submitted by the police to the Coroner who is accordingly now seized of the matter pursuant to the Coroner's Law.

SUPPLEMENTARY:

MISS ANNIE H. BODDEN: Mr. President, I should like to ask a supplementary question. Could the Member state how early will this matter be gone into thoroughly?

HON. D. H. FOSTER: Mr. President, it is hard for me to say, Sir, because I guess it would just depend on the Court fixtures, or the Magistrate, and so on. But the papers are now in his hands and I am sure he will fix it for a date as soon as is convenient.

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

NO. 18: Will the Member state whether any investigation has been carried out by Government in the matter of the alleged shortage of drugs at the Government Hospital, as reported at the last meeting of the Assembly, in November, 1979 ?

ANSWER: Yes and it was discovered that there had been administrative difficulties which led to delayed payment to suppliers who in turn held up deliveries. The matter has been resolved and at present, there are adequate supplies of drugs.

SUPPLEMENTARY:

MISS ANNIE H. BODDEN: Mr. President, a supplementary question, please, Sir, which will have to be in the form of a statement. When I said the alleged shortage of drugs I meant the shortage that could not be found out as to where it was, not the shortage of not being on hand.

HON. TRUMAN M. BODDEN: Mr. President, I took this in its usual English literal meaning and if it is the alleged stolen drugs, then I think the lady Member could probably put that next time and I would endeavour to deal with it.

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

NO. 19: Will the Member state whether any investigation has been carried out concerning the box recently consigned to a government department and which eventually disappeared?

ANSWER: The Honourable Member at another meeting raised this question and was given certain details in confidence. As investigations by the Police here and elsewhere into the matter are still proceeding, it would be against the interest of justice to give any information publicly at this time.

GOVERNMENT BUSINESS

THE FIRE BRIGATE (AMENDMENT) LAW, 1980

CLERK: THE FIRE BRIGATE (AMENDMENT) LAW, 1980

REPORT THEREON

HON.JAMES M.BODDEN: Mr.President, I have to report that a bill entitled the Fire Brigade (AMENDMENT) Law, 1980 was considered in a Committee of the Whole House and passed without amendment.

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

THIRD READING

HON.JAMES M.BODDEN: Mr.President, I move that a bill entitled the Fire Brigade (Amendment) Law, 1980 be given a third reading and passed.

MR.PRESIDENT: The question is that a bill intituted the Fire Brigade (Amendment) Law, 1980 be given a third reading and passed. I will put the question. Those in favour please say Aye, those against No. The ayes have it.

BILL GIVEN A THIRD READING AND PASSED.

CONTINUATION OF DEBATE ON THE THRONE SPEECH

HON.G.HAIG BODDEN: Mr.President, one could easily find oneself a bit tongue-tied when attempting to debate the Throne Speech, because there is no question that this Throne Speech is perhaps the most spectacular in the history of these Islands. We have reached the zenith of development as far as Government is concerned. We have arrived at a stage in Government's revenue where, for the first time in the annals of our finances, we are counting our surplus by millions of dollars, and as modest a man as I am I cannot fail to admit that this phenomenal turn-around in Government's finances did not come by accident.

Several years ago Government was about to enjoy the type of development that you and I are enjoying, but the United Nations interferred with sending us people that would plan the future development of this territory. These people came along and produced a development plan which would certainly, had it been put into law, have caused the destruction of the economy of the Cayman Islands as certainly the United Nations has caused the destruction of those nations which have allowed them to interfere with the internal workings of the country.

If the United Nations cannot carry out the aims and objects for which it was formed, how can it go into new and to them foreign territories and prescribe a way of life?

When I say the stage was set for development, certainly the ground-work was laid. Government had embarked upon a course of having tourism and off-shore banking as the main ingredients in our economy, and United Nations, perhaps seeing that this little small territory was on the right course, endeavoured to

HON. G. HAIG BODDEN (CONTINUING): dampen the spirits of the people and so restrict the construction of the physical infrastructure which would be necessary to accommodate the tourists and the financial sector. This restriction was done by spreading a false gospel and that gospel was that by restricting economic activity you would keep down the cost of living and so help the poor people. It is a policy that has been adopted, although it is a fallacious policy, by many nations, that by hindering economic growth you can help poor people.

How can you have people that are poorly housed by stopping the building of houses? How can you help people that are poorly fed by withholding the wherewithal that would feed them? How - as one writer said long ago - can you help the weak by hurting the strong? Can you help the poor by destroying the rich?

But the people of the Cayman Islands are known not by the abundance of their university degrees, not for the years they have spent in colleges, but by good common-sense which has come to them because they had to fight for survival in an age when other people, other poor countries in the Caribbean were being handed aid, our people were eking out a living from the land as arrid as it was, from the seas, as boisterous as they were, but within it or from within it, they were, at the same time, acquiring a philosophy of life which enabled them to do things that were right, regardless of the advice of outside experts, and to continue with the part played by former Legislators and former Civil Servants, in laying the groundwork for this development, I can only say that at the very time when they should have forged ahead with the spade-work they had done, they were turned aside by people who had not paid the price of hard work that our people had paid and if you study during the last decade, prior to 1976 the many laws that were formulated, you will see that everyone of them was geared to the type of development we now have. Yet when the opportunity should have been seized it nearly slipped the hands of our people and most certainly would have done so had there not been a substantial change in the policies of Government in 1976.

Several years before that the Strata Titles Law was passed which today has resulted in an influx of condominiums. But the people who passed that law are today blaming the Government for the quantity of condominiums being built, when they themselves initiated the construction of condominiums. I am not here to argue whether condominiums are right or whether they were wrong; but I am saying that long before the present Central Planning Authority came into being this Government had put on the books the Strata Titles Law, which does provide and which is the only law enabling sub-division by strata titles. Without that law, you could only have the ordinary sub-division of land in the vertical and not the horizontal sense.

It is just like the coming to Cayman of the cruiseship KAZAKHSTAN, everybody knows that this Government did not bring the KAZAKHSTAN to the Cayman Islands. Her maiden trip was in November, 1976, plans had been laid perhaps one year or two years before. It was all cut and dried and had it not been for the events of November 10th there would have been a different greeting party on the shore when she arrived here early in November. I am stressing this because there is within the Cayman Islands a group of people that could better be described rubber squeaking toys.

You know the little baby is given his little rubber man or rubber rat and all he has to do is to squeeze his hand and he has produced a sound from that rubber toy; well we have these rubber people, rubber toys and when things are going well their rulers squeeze them and they say you should not bring the Russian cruise ships, when they know the Russian cruise ships were brought by the Government which they supported and which they them-

HON. G. HAIG BODDEN (CONTINUING): selves helped to put in office, and these same rubber squeaking toys get up and talk nonsense about you are building too many condominiums, when they know it was the rumours of the rubber squeaking toys that initiated the law. But I believe that the owners of these rubber squeaking toys have far more sense than the rubber toys themselves, because what they did was right. It was right that they should introduce the Strata Titles Law - it was right that they should bring the cruise ships here, the Southward and all the other ships that have come - it was right and they know it was right. But you see the rubber squeaking toy cannot think for itself, it can only emit a sound if it is pressed in the right spot, and there is no doubt that these people are being pressed in the right spots because the sounds are coming as the owners wish the sounds to come. When they want it to come slowly they squeeze them one time and when they want the sounds to come often they squeeze them many times.

So the results which we see from tourism, from banking, from the construction industry, is not something that has mushroomed overnight, but something that has developed over the years, something that was carefully planned. This development was a whole package including our present constitution. Our present constitution was carefully planned to give the elected members of Government an advance stage, or I should say, the advance stage of internal self Government, which the country now enjoys. You never heard a word about it in the planning stages - it is only when the architects of that plan fell off the bandwaggon, when the going got too rough in 1976, and so we are faced with a prosperity which was well planned, but which nearly eluded us because certain actions had come into play and which, if they had not been nipped in the bud, we would not see the turn-around in Government that this Throne Speech proclaims.

The opening passage of this speech says that in the short space of three months progress and development have been, even in Cayman Islands terms, particularly significant. That passage reads like the fictional editorials of the Nor'wester - it is hard to believe it - it is nevertheless true.

Only three short months ago, four short months ago, we heard the Financial Secretary deliver a Budget Address which the whole Island thought was the ultimate in finances. He gave a glowing picture of how 1978 and 1979 had performed above the expectations of everybody, and it was hard to believe that the excellent performance of 1979 could be improved upon, yet we see here when the first quarter of 1980 has not yet passed, we have seen a multiplication of that glowing picture.

The section on the economy details the highlights of this administration. It tells of how the cruise-ships brought an increase number of passengers, it tells the glorious saga of Cayman Airways; it tells how that in 1979 the stamp duty from the transfer of lands increased by more than 100% above the estimates; it tells that the stamp duty alone brought in $3.2M; it tells how for the year 1979 planning approvals totalled $80M.

In the face of such a performance, what could the opposition say? They would never admit that it is a phenomenal growth - no, the best they could come up with when the little rubber toy people were squeezed was to say that we are building too many condominiums. But this is an age-old system of people who oppose anything.

Do you notice when you turn on your radio now you hear the same thing about the motor car? They are saying that there are too many motor cars in Cayman and you must limit the size.

HON. G. HAIG BODDEN (CONTINUING): You never heard this twenty years ago when only the rich drove automobiles.

You hear that too many tourists are coming here. You never heard it thirty years ago when returning to Europe or New York with a sun-tan from the Caribbean was a sign of affluence but today when mass travel has made it possible that every Secretary in Brooklyn can take a holiday in the Cayman Islands, you hear we are getting too many tourists, and you hear that we are driving too many automobiles, and you hear that we are building too many condominiums. Because a little of that affluence has now, because of the sheer weight of its abundance, begun to trickle down to the lowly mortals that inhabit this planet.

I do not know about the other elected Members of this Legislature with the exception of my colleague from Bodden Town, but we were elected to bring development to the Cayman Islands. We were elected to get rid of deficits and to produce surpluses. We were elected to do the things that we have done and now that there has been a complete metamorphosis in the finances of these Islands we are hearing that there is too much prosperity.

The Bible says "Can a man curse God?" Yet these people are cursing prosperity! Because they did not want it to come and now that it has come, in spite of all their actions they cannot tolerate it, they cannot accept it. They tried to stop it. Do you remember the public meetings when they were saying that Cayman Airways should not buy its first yet? Do you remember how the stalwart Members of this Legislature had to go throughout these Islands preaching the gospel that a reliable air service is the main ingredient of the tourist-oriented-financial-oriented-Island-based-economy, and without an air service that is effectively managed and under the control of the people of the Cayman Islands, we would be soon forgotten.

Can you remember how they attempted to stop the cruise ships from coming here because the cruise ships were bringing American passengers and were staffed with French-Canadian crews? Do you think that they were really against the Member for Tourism? Do you think it was because he was a bold, bad man? No, their reasons were far deeper, they wanted to hurt the people of the Cayman Islands, they wanted to destroy the economy of these Islands and they very near did.

But I must say I am proud that I am a part of a Legislature and a Government which was strong enough to stand between the forces of evil and the good of the Cayman Islands, and when the history of this century is written it will be seen that between the years 1976 and 1980 this Assembly had consisted of a people that know not fear, of a people that cannot be easily deceived. Thank God the public know this.

Now there are still a few little rubber toys that do not know this, but as they are only able to let out sounds when they are squeezed, we do not have to worry too much about them.

Since the matter of planning comes under my portfolio I have made an indepth study of the building of condominiums. It will not be necessary for me to go into it again since the Second Elected Member from George Town has covered it so well. But I would like to say that the Central Planning Authority does not have the power to stop development. The Planning Law does not enable the Members of the Planning Authority to stop the construction of condominiums. I believe that the construction of condominiums will slow down. It has already started to slow down by the best method known to man and that is by the forces at work in a free enterprise system.

Right now builders are experiencing shortages of sand, crush-rock, labour and these are the forces that should stop the construction, it should not be direct Governmental intervention.

HON. G. HAIG BODDEN (CONTINUING): And so when the rubber toys squeak out that sound that the Planning Board must stop the construction of condominiums, tell them that you live in a free enterprise system where the market forces will come into play and will eventually slow down construction.

The Financial Secretary has, for many years, played a Herculean task in monitoring the finances, trying as it were, to make ends meet, to see that every dollar that was spent has been well spent and the results of those years of hard labour are beginning to show. In his Budget Address in November last year the public was told how monies had gone into a special Reserve Fund and people were amazed. The world was surprised that with a small country of only 16,000 that we could have such a huge surplus.

But the surplus grows bigger and we are told that even if the sum of $750,000 is tentatively set aside for possible additional cost of salaries revision, the sum of $2.500,000 will be available to add to reserves, giving a total reserve of $5.1M. It would be good if we could get some of these people that appear to have so much money, that are seeking by the circulation of untrue statements, if we could get them to take this Throne Speech down to one of their churches where they run off their Sunday School lessons and do some extra copies of this speech to be circulated to every house-hold in the Cayman Islands, so that the people can read the truth as it comes from the horse's mouth.

Some people have shown concern for the water supply in the Cayman Islands. This, as Members may know, has been taken care of. At the present time the firm of Richardson and Dumbleton are doing an extended study of the water lense in Lower Valley, North Side and East End. Some years ago this same firm carried out an extensive survey and the work today is but a continuation . The results appear to be good.

When the first examination was carried out it was thought that the three major lense would be able to supply about 440,000 gallons of water per day, providing it was pumped properly. All of the indications are that these estimates were conservative and now the engineering firm, although it has not submitted its final report and in fact it has not completed its work, are now quite positive that these lense can supply far more than a half million gallons per day which they originally estimated, and while a few years ago it was uneconomically feasible to install a sewerage system because of the increased population and because of the increased tourist trade,it now appears that in the very near future a sewerage scheme for the high-density areas of West Bay and the West Bay Beach could become a reality.

The Throne Speech mentioned the matter of disputed swamp lands which is a left-over from the Cadastral Survey. Members will recall that when the survey was complete the disputes started. Members of the public were originally told that when the cadastral survey was complete, it would mean an end of ligitation over lands. This has not happened and there were some cases particularly in the Duck Pond area where some unusual decisions were handed down by the Adjudicator. Many of these cases have become subjects for appeals to the Grand Court. One of these appeals was heard and the Chief Justice, in handing down his decision , went on to comment on many other important points in the whole transaction. Government having a precedent in this particular case, is now willing and is currently taking an administrative look at these cases and a report should be coming to the Legislature before the end of this year.

In the Throne Speech His Excellency the Governor devoted a lot of space to Cayman Airways. Had he not included any other subjects in his speech, it would certainly have been the tribute that

HON. G. HAIG BODDEN (CONTINUING): Cayman Airways deserves, because just like all the laws and prophets hinging upon the one commandment, so all of our activities in the Cayman Islands hinge around Cayman Airways.

Members know that many years ago, a decade ago, the Cayman Islands, with far less resources than they have today, embarked upon the business of running an airline. This, I imagine, was not a decision that they came upon lightly. They were forced by circumstances to do what they have done. The Islands, at that time were serviced by BWIA and all of a sudden, one morning the economics did not look so rosy to BWIA. They were experiencing problems, they were changing to a heavier aircraft and we were left without an air service. LACSA at that time, was I believe, providing a service through here and the Government of the day, correctly assessed the situation and they knew that if the air service was cut off the Islands' economy would be bound to falter, and so Cayman Airways was born.

Cayman Airways, over the years, with the help of LACSA, provided a good service to the Cayman Islands, but we live in a world of change, we live in a world where outside influences dictate to people actions which they must take, actions which they would not take if they alone made the decision.

This Government or the U.K. Government was handed an ultimatum saying that you will only be allowed to continue on the Miami run if you can show to us that the airline which operates into Miami is effectively owned and substantially controlled, either by the Government of the Cayman Islands or nationals of the Cayman Islands, and so, faced with such an ultimatum the Government did what was expected of it, it rose to the occasion, it bought the shares that LACSA owned in Cayman Airways and the Government became, for the first time, in 1977 the only share-holder in Cayman Airways.

Mr. President, you stressed the three severe crisis which our little airline survived against tremendous odds because the very people that would stand to benefit most were against the airline. Members of the public whom, up until 1977 I had accredited with some sense, showed that they are only mortals and they too are subject to the dictates of evil people who would cut off their nose to svite their face.

Cayman Airways purchased and put into operation a jet and they were immediately in the money. When the travelling public found out that they had a reliable service, they had equipment that was first-class and they had a reservation system that they could depend upon, they started to use this service and we have had reports of ever-increasing loads, ever-increasing numbers month by month, until Cayman Airways was forced to buy a second jet and they are now able, together with LACSA and Republic Airlines, to service this country as no other Caribbean Island is serviced.

Cayman Airways went on to acquire its own cargo plane and so put the cargo service, which is so essential to the tourist industry, on a sound footing. But the greatest achievement of Cayman Airways was the purchase of the Tri-lander aircraft from funds on hand. They were able to pay a quarter of a million dollars for an 18-seater, 3-engined aircraft, suitable for the inter-island services. I have flown on that aircraft and it was, in many respects, superior to the aircraft which it replaced, but I am not here to talk about the virtues of the aircraft, no more than to say it one of the few existing aircrafts in the world

HON. G. HAIG BODDEN (CONTINUING): that can manage the Grand Cayman/Cayman Brac/Little Cayman run, but what I am here to talk about is what has happened since the service has been put, for the first time in the history of the Lesser Islands, on an international basis. For the first time a person in Los Angeles or New York or London can buy a direct ticket to Cayman Brac or Little Cayman. This never existed before. A passenger would have to come to Grand Cayman and after he came here and found out that a service existed, he could go out to purchase a ticket to one of the other islands, and so, as far as the air service is concerned the day that Cayman Brac and Little Cayman were plugged into Cayman Airways' delta-matic reservation system, life began anew. Already in the few months that this plane has operated, we have been told that there have been increased bookings, there have been increased arrivals and the travelling public now begin to appreciate the value of having an extended reservation system.

But this is not all - the Tri-lander is now for the sole use of taking passengers between the three Islands. Before this, there was a scheduled service from Grand Cayman to Cayman Brac and when that service was completed, the plane went on its way to other destinations, but now the smaller Islands have a link which can be used, not only on the scheduled flights but to put in extra sections when necessary.

I am told that there is only one flight out of 20 in which this little aircraft is full, it takes about 18 passengers. Some people in Cayman Brac were upset because this plane can only take 18 passengers and the one they had before could take 28, but the traffic is not there, at the present time, to support a 28-seat aircraft. On the trip, which I mentioned before when I went to Cayman Brac, there were 7 passengers going up and 10 going down. In between this, the plane had made a shuttle trip from Cayman Brac to Little Cayman and only five passengers commuted on the two trips. So we are looking at economics and this is one of the reasons why the 40-year old DC3 which operated that service, lost money every year, or nearly every year for the many years that it operated. The aircraft was bigger than the passenger load, in addition to that the DC3, because of its age, incurred heavy maintenance expenditures and was really unsuitable and uneconomical .

Now I know there were people that loved the DC3, I also love my old shoes, but no matter how much love you might have for those shoes, the time comes when they can no longer protect your feet, and so the time had come to change and what a tremendous change it was. And already the Cayman Brac people, as skeptical as they were in the beginning, and as much as a few of the opposition tried to put up a protest against this service, have now come to realise that the choice has been well made.

I do not want to belabour this point but there are not many people who have been to Little Cayman. There is no paved airport, airstrip, the plane actually puts down in a grass-piece, providing the grass has been mowed that morning. Cayman Brac did not have an airstrip of international standards, and so the choice available had to be a small, safe but serviceable aircraft.

I have made probably about 50 trips to Cayman Brac, but for the first time in my life I wished I had not gone there in January this year, because I lost respect for some of my friends. When they would say to me "Yea, this is good but it does not have a toilet", I said "are you suffering from diahorrea? and if you are there are certain remedies which can contain you for 45 minutes". And they said "It does not have a stewardess", and I said "you do not have to pay for it either".

And the last businessman I talked to, the question I asked him was - "Would you operate a business that was losing money?" And after a long silence I answered it for him and I said "you could not unless somebody else was picking up the tab". And

HON. G. HAIG BODDEN (CONTINUING): so for the first time Cayman Brac has a service that is not only practical, but is economical.

You may know that at the present time the Government has received a loan of $360,000 from the EDC and this money, at the present time is being used to extend the Cayman Brac runway to 5,000 feet and Government has agreed to carry the extension another 1000 feet out of local revenue to bring the strip up to international standards. When this is complete, it will be possible to service Cayman Brac one or two days per week with a BAC 1-11, but what I could not understand was the unwillingness to accept one of the few aircrafts in the world that can operate safely on the existing run-way and people for the comfort of having a toilet would be willing to sacrifice safety for political purposes.

MR. PRESIDENT: If the Honourable Member would take an interruption we might suspend for fifteen minutes.

HON. G. HAIG BODDEN: Yes, Mr. President, I think I will have to take several interruptions today.

MR. PRESIDENT: I will suspend proceedings for fifteen minutes.

AT 11.20 A.M. THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED AT 11.40 A.M.

MR. PRESIDENT: Proceedings are resumed.

HON. G. HAIG BODDEN: Finally, on Cayman Airways, I would like to say that its achievements have only been possible because this Legislature guaranteed the loans that were necessary to purchase the aircrafts.

This Government guaranteed a sum of $10M which has been used to purchase the aircrafts. Some publications record this figure at $20M, possibly by November it will reach $200M, but the truth as the Members know, Government's liability is limited to $10M and as you correctly point out in your speech, it is only a contingent liability, a liability which this Government will have to meet if, for any reason, Cayman Airways should fail.

Judging from past performance, and also judging from the increased traffic, the possibilities are very small that Cayman Airways will fail, but should it fail Government will have to meet its obligation just the same as it has to meet the obligations that are necessary for the continuance of any service, whether it be education, medical services or only garbage collection.

In the Speech from the Throne, it is observed that the National Council of Social Services has achieved good co-ordination, despite the absence of a Social Development Officer and I would like to paraphrase that to read that it has achieved good co-ordination because of the absence of a Social Development Officer because we have never been able to report before that there has been good co-ordination engendered by this organisation, so it is quite obvious that something was lacking and we are grateful that at last the National Council of Social Services is being accepted for the noble purpose for which it was set up.

You record that the National Council of Social Services was able, in a single night, to raise more than $10,000.

I remember a couple of years ago when one prominent Civil Servant at the time, went on record in the newspaper bemoaning the fact that the National Council of Social Services had only been able to raise $2,000 for the entire year, and this was held

HON. G. HAIG BODDEN (CONTINUING): wo to the public view as an indication that the people of the Cayman Islands will not support charitable organisations. However, the same newspaper, on the same day, carried a story that the little Leo's Club had raised some $6,000 or $7,000 from a single event. So the figures speak for themselves and the community and the visitors who come to the Cayman Islands arewilling to contribute to our social needs and they have done so in the past and undoubtedly will continue to do so when there is somebody to organise the event, when there is something to show the results and I believe that we will see the National Council of Social Services, from now on growing from strength to strength.

The fact that this organisation was able to do so well is another clear indication that there is some surplus money here, that there are people who can afford to give and even when it hurts to give, they know that once they give they can earn more money and they themselves will not suffer in the future from the extent of their giving.

Great emphasis has been placed on training and as you have detailed the many major advances I will not go into it, no more than to say that training costs money and money is now available. On the other hand, training has two sides, people must be willing and able to work hard to acquire the training.

So far I have dwelt upon the major successes of the year.

In the Throne Speech you correctly pointed out three areas of concern and you correctly assessed the fortunate position we are in in that we could take these three blows without batting an eyelash.

You mentioned the ban by the United States Authorities on imports of Cayman Turtle Farm. This has been a major area of concern because the Turtle Farm employs well nigh to one hundred people. The Farm produces the only export of substance and the Farm itself is a major tourist attraction.

The ban has hit the Farm hard. At the time of the ban the Farm was exporting 85% of its steaks to the United States and 60% of its other products. Turtle products are specialised products. People are not out there waiting to enjoy the delights of turtle steak when they have never known such delicacies existed, they are not out there willing to pay the price for turtle jewellery when so many plastic products are cheaper, and the loss of a major market will be hard to replace.

The story of the Farm has been a victory for the conservationist. Members will know that long before this ban, I had expressed in these Chambers my opinion that the majority of conservationists, are cock-eyed people who cannot see straight. People who, because they do not want to face the realities of today's living, and people who are not prepared to make a contribution to the sufferings of the world today, to alleviate the poverty and the hardships that surround them sometimes in their own families are willing to get up and talk about what future generations will do if the little pea-dove or the little hawksbill disappears.

The truth is that many species have disappeared from the face of the earth and there is no clear evidence that man has suffered because the dinashaur no longer stalks the earth. There is no proof that the environment is damaged by the disappearance of a particular species. There is only one species whose disappearance would make a difference on this earth and that is the disappearance of man, and man today, because of his fellowmen-turned-conservationists, is now himself an endangered species. You see, a man would be very stupid if he was starving and he saved up his loaf of bread which he should eat today so that on the 19th of March next year he would have 10 loaves of bread. He would die in the process, but this is what all conservationists do. Every country is plagued with them. In London, Englan , they run up and down screaming about the waters of the Thames, how polluted it is. In 50 years no persons has died in England from drinking bad water, yet every day children drown in that

HON.G.HAIG BODDEN(CONTINUING): river. So their efforts are misdirected. It is just like the Russian noble woman who went to the theatre and sat for two hours crying over the plight of somebody in the story. When she came out, the horseman who drove her carriage had frozen to death. The next day she hired a new horseman. So these people, who, because they do not want to help with the problems of the world today, latch on to something which they know they will never want to do anything about, and this is why I feel that the world must take a strong look at the conservation movement, because when conservation interferes with the economy, it is time to take it in hand.

You know, for years how the conservationists stopped the building of the Alaskan pipe-line. Now Mr.Heath and those famous U.K. leaders worried about their salmon streams and this is all a false way of looking at life, and the story of the Farm is very similar.

I understand from the original owner of the Farm that he was talked into starting this Farm by a leading scientist in the United States, by the name of Archie Carr, who, today holds a prominent position in the field of science. In fact Archie Carr wrote a book in which he stated that the farming of the green turtle was the only hope of its survival. But when Archie Carr's student, the man you know here as Dr. Schroeder was hired to set up this Farm, Mr.Carr changed his story and in November last year I heard Mr Archie Carr at a Conference in Washington say that anybody can change his mind and that while he once said that farming the turtle was a way of guaranteeing its survival, he has now changed. So it shows that even scientific men can be biased and the whole agitation against the Farm started from this single incident, and has mushroomed into where it has influenced the decision of the Department of Interior. The conservationist is a rich and a very powerful lobby and they have had their way in this issue. The reasons they have given for the ban are ridiculous in the extreme, they claim that this Farm has never contributed anything to science - everybody knows this is untrue. It is one of the few places in the world where the scientists can observe what is going on. They claim that if they made an exemption for the Turtle Farm it would be difficult to monitor what is going on. This is not true. We are only one hour away from the University in Florida where Mr.Carr carries out his experiments, the Farm itself offered to pay the salary of a biologist appointed by them, to monitor the Farm. They claim that if the Farm is allowed to operate it will increase the appetite of the world for turtle products, which again, is another false statement. If the Farm is allowed to operate, it will do for farming or for the turtle, what the farming of cattle and pigs and chickens do for those species. It will supply a demand which already exists, and nothing in the world is going to appease that appetite but the product itself.

And so while it is true that a few species have disappeared from the earth, it is also true that many hundreds more would have disappeared if it had not been for the intervention of man.

I view the conservationists just like how I view some of those rubber squeaking people I spoke about earlier. They cannot answer facts with other facts and so they have to resort to innuendos, to half-truths, to biased publications and this is exactly what has been done. At that conference a document known as "Traffic" was circulated which carried in it many untruths and libellous statements. For example, that organisation which is supposed to put out the trades statistics on these endangered species, said that Cayman Turtle Farm is buying products from the wild, repacking them in their own cartons and shipping them into the United States as farmed products. The statement was totally untrue.

HON.G.HAIG BODDEN (CONTINUING): They also said that the Farm continues to take eggs from the wild and does not have a closed cycle operation. Another untrue statement, because they know that by agreement that the Farm had taken its last batch of turtle eggs from the wild in March, of 1978 and I was not surprised to see this. I am quite familiar with biased publications, because we have them right here in the Cayman Islands, people that will print what they want to print, even if they have to preface it with saying "It is rumoured" and next edition they preface it with "as reported in our issue last week".

So this type of publication is not unusual. Our delegation took affront to this. We were joined by the United Kingdom delegation and I must say Mr. Rudge, the man from the British Service, looked upon it as a slap, not only to Cayman Turtle Farm and the Cayman Islands, but to his Government, because we are a dependency of Great Britain.

I wish that time allowed me to give you the details of this Conference, but I have never attended so biased a meeting in all my life. Papers were presented strictly by invitation. Cayman Turtle Farm was not invited to present a paper. The papers were given mostly by the students of Archie Carr, sometimes one student would give two or three papers and if they were scientific papers, I will eat the Throne Speech.

You would hear these little girls, some of them 18, 19, telling about how they went out to Surinam and they put a flag on a turtle and it swam out to sea and they knew the direction in which it was going and when it would come back. It was utter nonsense, but the entire theme was to speak ill of a farm which had survived, despite the predictions of the scientists and that we had accomplished that Cayman Turtle Farm what the biologists had not been able to do in the United States.

I see the farming of turtles just the same as farming of pigs, or cattle or chicken. These animals are better off because man has made a study, is able to prescribe the correct diet, the correct drugs and, undoubtedly if turtle farming was allowed to continue the world of science would be greatly enriched by the information which this farm could give to the entire turtle world. What amazed me was that every speaker in those 62 papers told the same story, that when they visited a nesting beach today there were less turtles than when they visited 5 years ago. So the population in the wild is being depleted, and the childish efforts of the conservationist are not helping to arrest the depletion of the species.

But what are you going to do when you are faced with an organisation who has closed its eyes to scientific facts and have also used their efforts to try to close the eyes of the outside world and the actions, as pointed out in the Throne Speech, are hard to understand in face of the evidence that wild alligators, an endangered species, continue to be slaughtered in Florida and Louisiana.

And so the actions of the conservationists have put the Farm in serious problems. The Farm has taken the decision that there is only one way to salvage a part of their operation and that is to reduce the stock: at the time of the ban the Farm had something like 45,000 turtles on hand. They will have to reduce the stocks probably to less than one-third and maintain what is left mostly as a research and experimental Farm.

The green turtle, which is rared at the Farm is only one of the turtle species facing extinction. Another species the Olive Ridley is faced with the same problem and there was discussion sometime ago about the United States exporting a few Olive Ridley turtles to the Farm where they could be reared under control conditions and so build up the stocks, but because the Department of Interior used their power they were not able to export these turtles,

HON. G. HAIG BODDEN (CONTINUING): so they too will probably be extinct. And while the United States has refused permission for farmed turtle products from Cayman Turtle Farm to enter the United States, they allow the catching of wild turtles in their Pacific Trust Territories.

The second area of concern mentioned by His Excellency the Governor in the Throne Speech was the fact that the shore terminal on Little Cayman may not be built speedily. This , perhaps may be an area of concern, however, it is not an area of concern for this administration. This administration was elected to enter into an agreement with Cayman Energy for a ship-to-ship transfer, The previous Government had been approached in late 1973 or early 1974 for permission to allow a transfer terminal at Little Cayman and I do not want to record or to recall the history of that transaction, no more than to say that one of the assurances I gave to my constituency at the time of the last election was that we would try to conclude an agreement whereby bulk oil could be transferred at Little Cayman, and we were able to do this and so that part of the transaction has gone well. This has been justified. We know that the revenue this year from the transfer of oil is averaging about $100,000 per month. In other words, if it continues until the end of the year Government's revenue from the ship-to-ship transfer should exceed $1.M But for every $1M that is received by Government as revenue for the transfer, it is quite possible that a figure double that amount or more than double that amount is spent in Cayman Brac and Little Cayman, where today apart from the Civil Service, Cayman Energy is probably the largest employer of people.

And so while we are a little concerned that the ship-to-shore terminal has not yet materialised, we can be grateful for what has already become a reality. The ship-to-ship transfer is going on, a major oil company is interested in a shore facility, but I need not say that an investor would have to look a long time if he embarks upon a major capital programme with the oil situation the way it is. So what existed as the second area of concern, to my mind is a concern of a lesser degree than that of the plight of Cayman Turtle Farm.

You did not elaborate in this section, at any rate on the third area of concern which is the establishment of a full-scale shipping registry, and here again, while this, too, could be called an area of concern, it has rightfully been delegated to third place in your catalogue of concerns.

You mentioned in another part of the speech that this year 171 ships had been registered in the Cayman Islands which is a tremendous increase over previous years. The fact that the shipping registry has not materialised is something outside of this Government's capabilities.

I do not want to go into the details but suffice it to say that here again the interference of United Nations has slowed down the establishment of this registry. It is unfortunate that the United Nations is predominated by so many socialistic countries and they are saying that no ship should be put on a register unless the nationals of that country own that ship or unless the ship is in direct trade with the country. So here again we have the interference of people who would not be able to sell to the world their creed of life unless they stopped the progressiveness of people with their free enterprise mind.

The Member for Health, Education and Social Services very ably covered his portfolio, but because one of the areas mentioned was that of the middle school, I think I should spend a few minutes on it. As he explained the Middle School is not something that has been brought to us from some foreign land, it is only part of a system of education which existed all along. What had happened was that at the High School we had a population housed upon 3 acres of land equal to that of the total populations of Cayman Brac and Little Cayman. In other words, the school

HON. G. HAIG BODDEN (CONTINUING): as one school, was fast becoming too big and not easily managed, and a decision was taken to make the High School smaller by removing a class or classes at the bottom and put them together with the top class from the Primary Schools and make a Middle School.

It was very unfortunate that the rubber squeaking toys of the opposition did not have anything else to do at this particular time and so the owners of the toys squeezed a few that shouted "Middle School", perhaps they squeezed them around the middle of their abdomen! But an attempt was made to make a political issue, which, if it had been allowed to develop, could well have injured the educational system of this country, and so bring about the destruction which the opposition sought by the liquidation of Cayman Airways and which they were not able to accomplish, because if you want to hurt a country you interfere with its educational system.

The great philosopher Aristotle, when he was asked what is the difference between an educated man and a non-educated man, he replied, "It is the same difference that exists between the living and the dead", so education is important. The Middle School has been working well, it has taken out the age groups 10 to 12, put them on a compound by themselves, where they should thrive better than being mixed with eighteen years old or junior children.

Now, because of the establishment of the Middle School by Government, some of the other private institutions have seen fit to re-vamp their organisations to keep them in line with Government's programme. One of these institutions was the Prep School, owned and operated by the United Church and they extended what was only a primary school so that they could accommodate children of middle school age and then when the children had passed through this school, they would go on to Government's High School. And it is regrettable that many attacks have been made on the actions of the church for doing what it was bound by circumstances to do, and although I am not a member of the United Church, I would say that higher education in the Cayman Islands would not have reached the advance level that it has today if the United Church of Grand Cayman had not established a High School in the Cayman Islands many years ago. When Government, because of lack of funds was not able to set up a high school, the church came in and with the free labour of several ministers of the gospel, was able to establish a school in which children could sit examinations set by foreign bodies and bring the school up to a level to which this Government was eventually able to take it over.

Now, when one looks at the statistics, one is bound to admit that this Government has a right to support the private institutions in this country, because the Triple C School, the Truth for Youth School, the church schools, Seventh day Adventist schools, all the private institutions, had turned out scholars of renown, but if one looks at the figures, it costs this Government $601.54 to educate (that is per child) primary and middle school children. It costs this Government $1,302.15 per year per child to educate a scholar at the high school.

In our Government Schools we have an enrolment of 22,688 children where education is free and compulsory. In the private schools we have an enrolment of 1,074 children where the parents pay for the education of the children, but where the education is, nevertheless, required by law. Our law compels every parent to send every child of school-going age to school.

As you mentioned in your speech, 31% and I feel that the calculations are correct, 31% of our students in the Cayman Islands are being educated at private schools and if it is costing an average of $1,000 per year to educate a child, it means that the private schools are saving for Government the sum of $174,400 per year, and Government is making grant to these private schools of only $40,000 per year. So it makes economic sense for the Department of Education and for the Government of the Cayman Islands to encourage the establishment and the proper running of the private schools. These private schools

HON. G. HAIG BODDEN (CONTINUING): have to met a certain standard required by the Department of Education and I am proud to say that these standards have been met adequately.

When the United Church embarked at very short notice upon the establishment of a Middle School to be complimentary to Goverment's, they found themselves at the worse time in their history as far as finances were concerned. They did not have the money and they did not have the resources, to establish or to construct buildings to house these additional children that normally would have gone into the Government system had not the High School classes been curtailed at the lower end. They applied to Government for the use of a couple of old buildings which Government had used for some years and which were now vacant, and it is startling to note that there were people in the Cayman Islands that were brazen enough to make a public issue out of the fact that Government had allowed the United Church to use these buildings for the education of the children of the Cayman Islands.

The cost which has been detailed for the education of a child by Government does not cover all of the ancilliary costs. It does not cover any costs which is financed by other Government Departments, such as housing, gratuities, passages, medical benefits and capital costs, so that the education of children in private institutions does not mean that Government is encouraging a system of de-segregation or segregation but is simply aiding those people who are financially able or who are willing to assume the responsibility and educate their own children.

I have always believed that you cannot offer much help to people simply by pitting more bread on the table. The key to the survival of any country is in the education of the youth.

I want to turn to the portfolio of Agriculture, and Natural Resources and I want to say at the outset that I agree with the Lady Member when she said yesterday in her debate that politicians should not criticise Civil Servants, and I only pray that she had discovered that platitude before she started to castigate the Department of Agriculture.

The Elected Member under our Constitution, has a responsibility given to him by the Governor for the running of certain Departments and one of these responsibilities is that of staffing and if an Elected Member sees that a Member of a Department is failing to carry out his duties that Member has a responsibility to to speak. We know our Constitution defines a clear line between Elected politicians and Civil Servants. Nevertheless, the Member through his Principal Secretary, has a right to speak and to criticise when things do not go right.

The Department came under criticism from the Member from Cayman Brac who said words to the effect that he wondered what the Department was doing about the stray dogs that were interferring with the rest and repose of his chickens. The Department of Agriculture has nothing to do with the subject of stray Dogs. This is a matter for the Police. Under the Animals Law, the owner of every dog is liable for any damages caused by that dog. A Court of Law can make an order that the dog be kept under proper control or a Court can hand the dog over to the Department of Agriculture to be destroyed.

Any person who suffers a ferocious dog to be at large can be imprisoned or fined not exceeding $500 and any Constable may seize any stray dog, but the Director of Agriculture and his employees do not have the authority to go out and catch wild dogs, but they may put them to death, on a Court order.

HON. G. HAIG BODDEN (CONTINUING): Many times recently I have wondered what do some members of the public expect of the Department of Agriculture? Some people appear to feel that the Department, every member of it, should go out and plant yams and cassava to swell the Government's revenue. Some people appear to think that the Members of the Department must produce crops, must clean up people's back-yards, and do all the other things that they would hve them to do. Why are so many miracles being expected?

On Ash Wednesday 1977 three months after I had been elected, I said to the Agricultural Society that you can expect to be harrassed by the press and by the Members of the opposition, because I am your Member, and my predictions have been true to the letter. No chance has been spared to not only catechize but castigate the members of this Department and anybody associated with it.

The vote for the Department of Agriculture is the largest it has ever been and when you take out the personnel emoluments, the total vote is $57,000, and if you think $57,000 is sufficient to farm the entire Islands, let me tell you a few, and I only have time to list a few, of the things that the Department is expected to do in this year of our Lord Nineteen Eighty with that $57,000. They must pay their office expenses, travelling on duty, fisheries inspection service, agricultural supplies, drugs, fertilisers, public parks, gardens, vehicle maintenance, hire charges, farm development and maintenance, mileage and cemeteries, and if you think $57,000 is a bigger vote than you had last year, you need only examine the notes that were given to you in November, 1979 with the Estimates. You will see that Mileage for 1980 increased by 28% over 1979. You will see that the vote for agricultural supplies, drugs and fertilizers was increased by 50% from $10,000 to $15,000 merely to cover the cost of drugs and fertilizers, which had risen, fertilizer being a by-product of the oil industry, and that the farm development vote was increased from $10,000 to $15,000 merely for the erection of the hydroponic unit which is a recent gift from the Canadian Government.

As I have said before, if Members are willing to vote the necessary funds perhaps the Department can come up from the nearly niche which it now enjoys as the smallest spender of Government funds to one where its production can be truly meaningful. However, despite the criticisms and despite the low rung of the ladder the Department has continued to provide useful and meaningful services to the community. In the care of animals, the Department is well staffed, in advice to farmers, they have people with expertise, but the Department is something like my constituency. I have a constituency that stretches out for many miles and if I had to visit every person in that it would take many years of exclusive visitations, just to complete that task, and I have no intention of pursuing such a course. People in need of my services can call me, can come to see me because it is easier for 2,000 to come and see one person than it is for one person to go and see 2,000, and so the Director of Agriculture finds himself in the same position, where he is able to advise the entire Island, if people will make use of the advice available and will make an effort to obtain their services. But fortunately for us, most of the criticism is not coming from the people that are really interested in agriculture, but coming from the owners of those rubber squeaking toys.

In the Throne Speech mention was made of the co-operation of the United States Government in carrying out a hydrographic survey in the waters surrounding these Islands, and we are

HON.G. HAIG BODDEN (CONTINUING): grateful for this service. It will mean that our charts will be up-dated, some of them go back to the nineteenth century and navigation should be greatly improved. We do not have a precise figure on what this exercise, which is being carried out, I understand throughout the Caribbean, will cost the United States Government, but we have a pretty good idea that the cost to them will run in excess of $1M.

Members will remember that an aircraft was stationed in these Islands for two months. A survey ship was brought down and the cost has been high. Together with the co-operation of the United Kingdom Government the U.S.Government will produce charts and maps of our waters and these will be on sale to mariners in probably another six months. The local cost has run about $20,000, most of it went for the hire of a small boat.

Another useful exercise for which our portfolio is grateful is the archaeological exploration undertaken by a private institution, the Texas A. & M. University from the United States. This project was under the directorship of Mr.Roger Smith. This gentleman is currently in Europe, he is to visit London and Spain to study the archives there to try to piece together some of the ancient history of the Cayman Islands. He found certain artifacts most of them were pictured in this month's issue of the Nor'wester and there is every indication that some significant area of our history may be buried under the waters surrounding Little Cayman.

We are grateful to that organisation for its help.

Mr.President, you very cleverly treaded carefully on the upcoming election, but your comment on it reinforces my belief in the stability of these Islands. You have hoped that for November 1980 there will not be a complete change in membership and I would say that for the benefit of posterity I would hope that there is no substantial change in the composition of this Legislature. However, I believe that this country is strong enough to undergo even such a traumatic change as the loss of the member for Tourism and his countermart. We fought in November, 1976 a substantial change in this House when a majority of the old members were not returned, and it is perhaps a tribute to the endurance of the Third Official Member, our Financial Secretary, that he is today the only surviving Member of the Cabinet which existed in 1972. Your predecessor, Mr.Crook, has gone the way of all the earth, his Chief Secretary has been replaced, the Legal Adviser has been replaced, the four elected members of Executive Council have been replaced, and I can understand your fear of your loss of continuity in an election year, because all things are possible. Sir Winston Churchill, the greatest statesman of the century, won World War II and lost the next election. And so in November, 1976, and after that, the aftermath should not have been found to be so provocative and so decisive a transformation. People should have realised that the world had not come to an end only a few people had had their little cookies broken.

MR. PRESIDENT: I will suspend proceedings at this stage until half past 2 this afternoon.

AT 1.08 P.M. THE HOUSE WAS SUSPENDED

AT 2.30 P.M. THE HOUSE RESUMED

MR.PRESIDENT: *Proceedings are resumed.*

MR.D.DALMAIN EBANKS: *Mr.President, hearing your speech from the Throne and again listening to some of these long-winded speakers, it leaves very little more to be said in this debate, but I would like to say this that your speech was the most encouraging and complimentary speech I have ever heard since I have been in this House, and I am sure that every Member in this Honourable House feels proud of the part, however small it may be, that they have played in this Governmet to make it what it is today and to put our Islands in the financial position that they are in.*

Not only the Members of this House, Sir, but throughout the Islands, the members of the public, they, or the majority are also proud of the part that they have played by electing this Government to run these Islands and the support they have given to us.

Now, Sir, there are a few things I would speak on. First our tourist industry is still on the upward trend. With the tourist industry goes the construction, with those two major factors, is the biggest avenue of revenue the Islands have. There is not much more that I can say on it that has already been said, but what I would like to say is this that where people are criticising or knocking the Government saying we should stop construction, some are saying we should slow it down, we should stop the inflow of tourists, I cannot imagine what those people are thinking about, Sir.

I do not see where Government can step in and stop progress. Progress, development go together and in any country that is progressing, the Government is only too happy to have it and if left alone, time will do the slowing down and also the stopping.

If you look back in history, the opening of the great nation , United States, immigrants went in there, they are the people that over-flowed the United States to build that country. They even killed off most of the natives there to do it, but they did it, that was progress.

Australia, the same thing, Sir, Great Britain sent the people over there by the thousands to develop Australia and they were of the worse characters they had in Great Britain, they were from the prisons, they killed off the natives there, the most of the natives also to develop that country. So I cannot see where people should be grumbling here about the development or about the influx of people that are coming into these islands, because I can remember down in my time now, back in the early thirties, the little Island of Aruba, that is no larger than Little Cayman. It had a population of about 24 people on it, also nothing but goats and in 1947, when I went back to that Island it had a population of 168,000 people, and today I guess it is probably 200,000 because Aruba has developed and is today one of the largest tourist resorts in the world. So we here with 16,000 people I cannot see why people would grouse and grumble.

Now, Sir, I cannot say too much on the condominiums because it has been well covered by the Member from George Town but I think there were two points that he missed out and that is the people that are employed by the condominiums, they are getting better pay, they are happier with those jobs than they are at the hotels.

Another thing, Sir, the condominiums are giving better jobs because they are employing their managers from the Cayman Islands. They have gone as far, Sir, as to prefer husband

MR. D. DALMAIN EBANKS (CONTINUING): and wife team of Caymanians. This is something that the hotels do not do.

Now, Sir, in our development plan we made rights-of-ways in different areas, mostly on the seven mile beach. There was one thing that was overlooked and that was rights-of-ways in the North Sound from the West Bay Beach area. This is something that I feel that Government should take a step in the near future to help development. There are three main points, Lime Tree Bay, Governor's Harbour and Salt Creek and I would like the Member responsible to look into this very quickly. It is a necessity, and the public is demanding it and it shald be done.

In your speech sports was mentioned briefly. This is an area that touches me greatly. Sports I feel is one of the major issues that will help save the youth of tomorrow. I follow the youths a lot with their sports and regardless of how bad or whatever that youth does, he loves the sports and this is another issue that should be pursued urgently, I would like to see it sky-rocketted in the near future. A sports centre. We have joined the Olympics but we can never think about sending any sort of team, tracking, cycling boxing etc. to the Olympics until we have the proper facilities here of training and not only that, Sir, we have to have the facilities that we can bring overseas competition here to start our youths to meet those from the outside world. Let them start on their own home ground before we send them out there.

A sporting centre is something of a necessity now. Caymanians will be proud of it, they will have their own and they should take care and use it when they get it.

Now, Sir, one thing I would like to speak about again is our Police Boat. I am very proud that we have the boat we have it still is not the boat that we should have, but let it be. I do not know what sort of patrol that is going to be set up with this boat, but I know this, that no kind of effective patrol can be set up with one boat to cover the area that it would have to do here, Grand Cayman also the Lesser Islands.

In fact I do not see the sense of actually setting up a patrol because the guy that is doing the illegal run can always figure if you set up a patrol where you will be or what happens, he has his contact so he is going to kill it anyway. But there is one point that can solve that solution and that is, Sir, if you would install a radar station and you set up a 24-hour watch on the radar and that will take care of your patrol, it will take care of the extra work, even on the boat. When they pick up a blimp on the screen, they watch it and figure it is something that should be reported, then you can send a police boat out to intercept it.

Another thing about that boat, Sir, I should ask the Member a question, the calibre of armament that is going to be used on that boat, a little boat that size cannot carry anything heavier than .303 rifle or a machine gun, it will not be anything other than that. There is danger there again because to intercept a boat that is in illegal traffic, you never know what armament that will have, so we have to be very careful with that also, Sir.

Cayman Protection Board . I am not going to say much about it, I feel they are doing their best, they are doing a good job, but one thing that I really cannot agree wtth and that is pulling a license from a company without notice. Now I am not against pulling a person's license if they deserve it, well good and done, but I feel, Sir, that when we open or encourage an industry to come to our Island, a guy comes in here, he is supposed to be screened before he gets here, he invests some money here, it is funny then that after so many years when the guy goes to renew his license again, you just tell him out of the blue sky "you cannot get a license any more", that is not right, Sir. What I say is this

MR. D. DALMAIN EBANKS (CONTINUING): if it is found that a company is faulty, regardless of what it is, pull him up and question him and I think the public would feel happier about it and it would also encourage more industries to come here. This probably is putting a dread into some other industry that would like to come to this Island.

Now, Sir, this is election year, November coming we will be running for election and I want to say here I will be seeking a seat in this Honourable House again, and as you said, I hope there will not be a complete change and I also hope that you will be here to spend some more time with us and guide us, because I know I am having a seat here, I do not know who else will be here, but I will be here with you. Thank you.

HON. C.L. KIRKCONNELL: Mr. President, I am grateful to you for delivering, in your usual dynamic manner, a Throne Speech that will remain a memorial to this administration. I am also indebted to Her Majesty's Government for granting an extension of your tour of duty which ensured us of your continued guidance and able leadership. A change of leadership would have had an adverse effect on the progress of these Islands.

Many have been the challenges in the past three years and those which nineteen eighty offer will undoubtedly be met.

The present state of our economy bears witness to the fact that this administration has wisely and courageously met the many challenges of the past.

It must be a source of pride to all Caymanians that our reserves for a rainy day now stand at CI$5.118M more than enough to cover our target of 3 months' reaurrent expenditure. This proves that prudent economic efficiency, coupled with political freedom within a capitalistic society, constitutes the best system for solid progress and advancement. While some other countries flounder in the troubled seas of brankruptcy, our economy continues to grow stronger. We can take pride that we are one of the few territories in the Caribbean area with prosperity, stability and harmony.

But the price of continued prosperity is constant vigilence. We must take every step to ensure that no country or its ideology is permitted to infiltrate and disrupt our way of life.

I am greatly disturbed to know that already the ugly head of unfriendliness and hostility towards visitors is being reared here. One of the main ingredients of our stability, and one of the greatest assets of these Islands has been our friendliness to all people, and measures must be taken by Government andthe private sector to make sure that unfriendliness, a take-it-or-leave-it attitude, rudeness and the deterioration of standards are nipped in the bud . Otherwise our stability will be in jeopardy.

Let us also bear in mind that the ties with the Mother Country are perhaps the greatest assurance of our continued stability. It is these ties which instill confidence placed in us by the rest of the world.

I am firmly convinced that the abolition of exchange control will enhance the financial status of the Cayman Islands and give them an additional advantage as a financial centre.

Incidentally, Sir, the lifting of this control will allow Caymanians to have bank accounts in any currency they may wish within these Islands.

In spite of the three major set-backs which we have suffered, namely the U.S.ban on the Cayman turtle Farm products, the postponement of the ships' registry and the oil trans-shipment terminal on Little Cayman, this administration is still hopeful that two of these problems,at least, may be resolved in the not too distant future. Meanwhile our economy has surged ahead, buffering the effects of these problems on the prosperity of our country.

The ban on turtle products appears to be a closed book, however, I hope that Cayman Turtle Farm will find an alternative market to take the place of the once lucrative U.S.market before it is too late.

HON. C. L. KIRKCONNELL (CONTINUING): The move by the United Nations Conference on Trade and Development to phase out open registries of shipping has not only prevented the Cayman Islands from developing a proper ships' registry, but is also causing hardship on other Commonwealth Countries and the United Kingdom itself. This is clearly the work of countries with ideologies alien to ours and it is hoped that the United Kingdom in its wisdom will stand firm and reject what appears to be another communist move to sabotage the western economy.

As we are all aware we must receive the blessings of the United Kingdom before this Government can establish a ships' registry. We look forward to having some definite news in this regard before the end of 1980.

In spite of the set-back in the establishment of an oil trans-shipment terminal in Little Cayman, there is good reason for much optimism. The ship-to-ship transfer of crude oil continues to increase. The revenue, through the end of March, will be over $300,000, almost as much as was earned in 1979. We have been told that the contracts for trans-shipment are substantial and 1980 will be a good year.

Mr. President, the First Elected Member for Cayman Brac mentioned that he thought that Government should install oil storage tanks in Cayman Brac. I would like to say, Sir, that the Government has this matter under active consideration and is doing its utmost to resolve the problem. However, there are no simple solutions. The problem at the moment is one that will not be solved by constructing storage tanks, As I see it, we must first of all create a place where ships can safely anchor or tie-up to discharge their cargoes. We have been told by the Managing Director of ESSO that they will consider establishing a small storage terminal as as soon as we have facilities to accommodate one of their ships at Cayman Brac.

There is another possibility on the horizon that may be a better solution than anything Government can do to resolve this problem. We are aware of the high cost of fuel in Cayman Brac but we must approach this problem in a right and proper way.

My portfolio is proud to have been counted among those which have played an important role in the progress and prosperity of these Islands.

Mr. President, I am particularly proud of the recognition you gave the Public Works Department which has performed yeoman service in the success story of other portfolios as well. At the moment, my portfolio's greatest challenge is the completion of the 1980 programmes outlined in your speech. We have received approval in principle from the Caribbean Development Bank to construct agricultural feeder roads and the new road from East End to North Side.

We will have to re-construct roads in major sub-divisions with local funds. We hope to re-construct and pave approximately four and a half miles of road in the major sub-divisions, thus eliminating the hardship suffered by people living there. My portfolio can truly say that we have had a busy three years and there is no let-up in the demand for the future. We will continue to satisfy as best we can the needs of the people and the country.

Mr. President, I cannot close without mentioning how surprised I was to hear the Cayman Prep School come in for so much criticism. I agree with the First Elected Member of George Town that this is a matter which should be dealt with by the Church and not the Government. It makes me wonder if all the children attending the Prep school now are considered the elite of Grand Cayman because what is actually being proposed is simply the addition of two new forms which will enable the pupils attending this School a choice to either continue their education there or move to the Government's Middle School. I would

HON. C.L.KIRKCONNELL (CONTINUING): have thought that the Lady Member for George Town would have been happy to know that her church, like others in our Island, is playing a role in giving the children solid, Christian teaching which she said is so lacking in our society today.

If it is a matter of helping the children of the Cayman Prep school that Government is being judged, then, Mr. President, I stand with the First Elected Member for George Town to be condemned.

Mr.President, I heartily share your views that continuity of government and this House makes for efficient administration. I am also sure that the Caymanian voters are also aware of this.

Mr.President, I announced at the last sitting of this Honourable House that I would not be seeking re-election in 1980. This announcement promoted numerous requests to me from the electorate to re-consider my decision. With God's help, and barring any unforeseen circumstances, I have decided to comply with the wishes of the people in my constituency. May we be blessed with divine guidance during the remainder of our present term of office and may God's will be done in the years to come.

MR.JOHN McLEAN: Mr.President, I, too, wish to associate myself with the other Members in commending you for what I consider a very comprehensive and impressive Throne Speech. It does prove to one that it comes from a positive thinker.

Mr.President, I am proud of the continuous growth in our economy and I do hope and trust this will continue. I am really touched by the up-surge of our general revenue and I do hope and trust this aspect will continue.

The $5M which has been put aside, Mr.President, is something for the people of these Islands to be justly proud of. It does show to each and every one that this Government is thinking of a rainy day.

At this time we are all having a boom and one can always expect after a boom comes the slow time. When this time comes around, Mr.President, each and every one will at that time see the necessity of putting aside for a rainy day.

I really hope and trust that by now the critics of this Government are aware that the Members of this Honourable House are thinking and thinking positively.

We can put ourselves in the shoes of the people of Dominica. Quite recently there was a disaster in that area and I am quite certain this can be an example for Cayman. We are no exception and a disaster could hit us over-night and again we have something to look back on.

In the construction field, Mr.President, it has been mentioned by a Member that Government should stagger construction. This I cannot agree with. If today an investor comes to Cayman and has X amount of dollars to invest, I cannot see anybody saying to him , "Come back next year, we do not want your investment this year". I am quite certain that individual will find another place to invest his money.

My only advice is the Cayman Islands will have to make good of the boom when we have it.

Much has also been said concerning the bringing in of labour and much emphasis has been put on the idea of bringing in help from Spanish Honduras and different places. Well, I cannot totally agree with this but the way I look at it, Mr.President, it is better in a way to mix up the help, and I am not at all against bringing in the Jamaican help, I feel we should stick with the devil that we know best. I am quite aware, like each and every other Member of this House that

MR. JOHN McLEAN (CONTINUING): nationals from Jamaica have been causing lots of problems, but on the other hand, Mr. President, there is good and bad in every country and I know of many, many Jamaicans who have been on this Island, done a good job, behaved themselves and I feel that it is only right that they be given a chance to cotinue.

It is a stand that this Government should take, not only with the Jamaicans but with any national that comes to our Island. If they cannot behave, get rid of them, but on the other hand our men had to go to sea, and they had to go to different parts of the world to make a livelihood and I feel that it is only right that we remember these things and try our best to thrash out the better ones and give them a chance.

The Caymanian Protection Board, Mr. President, in my view, has been doing a wonderful job. I know a few days ago a question was posed and I know the surrounding. Some people are a bit upset concerning this, but as the old saying goes "There are two sides to every story".

This matter was brought to my attention and I can only conclude that I must agree with the action that was taken regardless if there is a light industry which is employing Caymanians or whatever it may be, we cannot let our country down to uphold somebody who is doing wrong. I think it was the proper step taken and I think people have really mixed it up. I do not think that the Trade and Business License has been withdrawn, it seems to me that it was the Work Permit that was withdrawn. So I do feel that this business will still be able to operate.

Mr. President, I am happy to know that there is still investigation going on in the Fresh Water resources of our Island, I do see in the near future this being a great necessity and I think it is proper thinking to look into it before that time comes.

I also support the idea of looking into plans for a sewerage system because I can see this becoming a great necessity, especially in the densely populated areas.

I now move to agriculture. Mr. President, this is always my chosen subject and I will in no way criticise the Department. What I am going to say concerning this Department I mean it from the bottom of my heart. I am aware that quite recently much has been said concerning the demonstration Farm and since that time, Mr. President, I have seen lots and lots of improvement. It was mentioned in your speech as to whether this will continue or not and I would like to say here and now that Government has already spent lots of money on this demonstration Farm, the public's money and now that it has really gotten off the ground, I do not feel we should stop it. I think we should continue on the trend and have it up-to-date as much as possible and make proper use of what is produced.

I will go further to say , Mr. President, that I was bit upset on Agriculture Show Day to know that the Department did not have a stall. I do not feel this is right and I think this may be one of the reasons why the Society almost dropped through. If the Department had something to show, this, in my way of thinking will be even more encouraging to the farmers of this country.

It has also been brought to my attention that vegetables produced on the farm in surplus were once trying to be sold, and the person selling the produce was told it would be best to leave it on the ground and let it rot, because of the time that was spent trying to sell it. This, Mr. President, I think is ridiculous and I brought this to the attention of the Member and as the saying goes "where there is smoke there is fire" something had to be said. If there was surplus stuff, I am sure it could not be sold for enough to cover what had been spent on it, but on the other hand, I am sure it could have been made use of, either by the Hospital or by somebody else or sold for a small fee and I do encourage that whenever this

MR. JOHN McLEAN (CONTINUING): happens proper use is made of it.

I know there would be no problem in selling fresh vegetables, because is what the general public wants.

Another thing, Mr.President, I notice on the demonstration Farm has been built an office which, if I am seeing right, has never been occupied. Is this proper spending?

Again, I will say that the person in charge of that area of agriculture should be made to make use of that office and I am quite certain if that person was on the Farm throughout the day lots more work could be achieved.

Quite recently there has been employed in that Department, a gentleman from Jamaica and I must say, Mr.President he has done his endeavours to upgrade the Farm and again, it seems that his hands were tied because he has, what he really wants to put forward, there is somebody in the back saying "You can't do this". In my way of seeing, Mr.President, it did not warrant Government hiring this guy if he cannot put forward really what he knows, and from my checking I understand that this guy is quite experienced in that area. So I do hope that instead of closing down this Farm, special emphasis should be put on it and in a short time more can be seen that is done there.

I am aware, as the Member has pointed out, there is a shortage of funds in that area but I hope that each and every Legislator will think as I am thinking, and that is if we need more funds, like we need for anything else, we will just have to look about getting it, because I do feel that any country that can be successful in agriculture has really won a special goal and there is no reason why it cannot be a success in Cayman because as each and every one knows our forefathers depended upon the sea for fish and land for produce, and if they could make it up to this point, Mr.President, I see no reason why in a day and age like this we cannot promote it even further.

I am aware that the Member for this portfolio has done his part, I am sure he has put down his policies and also tried as much as possible to see that they are carried out.

Mr.President, I will be quite blunt, if in any area of Government where one can see progress and it is held back because of a small few, I think at that point, a decision should be taken and whoever is causing the problem gotten rid of.

Mr.President, I would like to mention what has always been raised in this House concerning the question of Swamp Lands. It seems to me that again this has just been dragged over a long period of time, lots of poor people have spent lots of money on it, I guess monies which they could not really afford to spend, and monies which they will never regain, and I think the time is long enough that Government should take a firm stand and decide to give back to these people who have valuable documents, I understand in some cases, over one hundred years old. I think it is the duty of this House to see the people of this country righted, and if we know that the land belongs to somebody and that they have proper documents, then I think we should take the stand to have it returned to them. It is no use waiting and expecting things to happen, this will never work. If we in any way can pressure this to a point and get it over with, I am quite certain this will be greatly appreciated by the people concerned.

One more point before moving from agriculture and lands, I would like the Member to assist me in proper marking of rights-of-ways, and public areas of this country. I think the time has come and it is better to do it now before, may be the area could be fenced and in order to have the right-of-way rectified, you would have to knock down somebody's fence. I think if landowners are called upon, they will co-operate and I do hope and trust the Member

MR. JOHN McLEAN (CONTINUING) will make a note and look into this matter as soon as possible.

I must say, Mr.President, the medical policies which the Member for that portfolio has put forward, are very good. I am quite certain it has taken lots and lots of time, but in the end I am quite certain this will pay off, not only for himself but for the country on a whole and there is one thing that I would like to say and that is that making a policy is one thing and the policy being carried out is another thing. So I do hope and trust that as long as this Member is in office he will endeavour to see that these policies are carried out. There is no reason why they should not, but I am quite certain in some cases, somebody will be careless in doing so.

In his portfolio, there is only one area that I really must say I am not satisfied with and that is the Public Health Department. In that area, Mr.President, there is someone who is supposed to be the head and apparently the instructions issued by him are ignored by his lower staff. If this is taken further, apparently nothing is done. I have had quite a bit of dealings lately with this Department, and it seems to me that instead of working along with people, there is a certain party in that Department who believes in harrassing the people of these Islands. I have bluntly told him to avoid my district as much as possible, because my temper will be very short with him.

I am aware, Mr.President, that proper public health facilities in this country are necessary, and I go along with whatever can be done possible to keep our country and people healthy, but there is no way that we can have somebody going around and instead of trying to talk to people in the proper manner, is going overboard with it and upsetting everybody, writing big letters and threatening people with the courts. I am quite certain that there could be another way of doing this.

In this country, Mr.President, there is one thing I can say, the people in most cases are cleanly and I know of one case where a gentleman was approached because he was rearing a pig in his yard. He was first told he would have to bring the pen up to certain standards. The poor man stretched his neck, built a concrete slab and a couple more weeks this guy went by and told him he would have to destroy the pig. This cannot work. If the poor guy tried his endeavours to go along with the law, there is no reason why he should be continually pressured and I am here to say that I told the guy to ignore the man, because he is really and truly going too far.

In some cases it seems to me that the stupid letters that are written, he must be an interior decorator because there is nothing to do with sanitation in some of the letters that he writes.

Another point, Mr.President, is the garbage disposal in this country. I think the Law mankes it manadatory that a certain fee should be paid and I have spoken in this House before concerning this. I really and truly cannot see this being fair to everybody. I know of many people who live in cliff areas, where there are holes big enough to take in one of the garbage trucks, and I cannot see that person using Government's facility, paying a fee, and getting rid of garbage which he could be building his own property with. I think discretion has to be used in most things and if it is proven by Government that somebody has use for their own garbage, then again I think that the Health Officer should use his discretion when visiting the area, and make sure that it is properly disposed of but that the person is left alone to use the garbage for his own purpose.

I also noticed and brought it to the attention of the Head of this Department that the guys on the garbage trucks are very

MR. JOHN McLEAN (CONTINUING): careless in picking up garbage on the roads. You can drive behind that truck in the morning or the evening whenever, and every stop there is a patch of glass-bottle in the middle of street. I do not think it would be any extra work for them to carry a broom and at least sweep it to the side of the road. After all trucks and cars are following and a tire today costs money.

Mr.President, you also mentioned there was a sliqht decrease in the juveniles on the Island. Again, I do feel that the answer to this problem is quite simple. The greatest mistake was when Legislators decided that corporal punishment should be abolished. I do feel, Mr.President, that when you find a twelve year old, thirteen year old roaming the streets, getting involved in dope, it is useless to take that child and push him away in goal. It only adds to his bad habits. I think it would be much more effective if he was brought to the prison area, stripped under the supervision of a doctor, and put a couple of lashes across his rear. This would be much more effective, the shame alone would change their minds.

This is the same thing in the schools. A child can stand up and talk back to a teacher, and I am sure that nobody in this Honourable House has ever been able to do something like that to a teacher. And you dare not go home to your parents with it.

Mr.President, I must say Public Works Department has done a remarkable job. In most cases they are running on full schedule, more than a full schedule and still keeping up the standards. The Honourable Member for this portfolio I know has put his utmost into it and with Mr.Wint, the Chief Engineer, I do feel this Department will continue to carry on good works in these Islands.

I know sometimes it seems as if they are dragging their feet, but one cannot expect anything else. Apparently that Department is being called from every angle and still attempting to do most of the work.

Mr.President, I must express how proud I am to know that today we have a Caymanian,as Director of Broadcasting. I must say Mr.Dunlop has done a good job and I do feel that the man in his place today will continue what he has begun. I think it is for the benefit of our country for each Legislator and the public to give him their fullest support.

I do consider we are quite fortunate as has been noted in your speech that shortly the Director of Civil Aviation will be replaced by a Caymanian. We now have our Caymanian Doctors, qualified Civil Engineer, our own pilots and while speaking of pilots, I will rate them as the best in the world. They are doing a remarkable job and I pray this continues.

These are people in our community that we can be justly proud of, people who we should in no way try to discourage.

On training, Mr.President, I give my full support but there is one thing I disagree with and that is when somebody applies to Government for a particular scholarship, goes abroad for perhaps a year or less and decides he would like to do another course. I think in a way this is wasting money and one should decide before leaving here what he or she really has their minds made up to do. However, every Caymanian that Government spends money on to be trained, adds to the betterment of our country or should add to the betterment of our country and again, when somebody returns to our Island I feel we should work along with them and do our utmost to have them placed in a proper position.

MR. JOHN McLEAN (CONTINUING): Turning to Cayman Airways, Mr.President, I must say the airline has been a great spoke in the wheel of our economy and despite what has been said concerning the airline, I am justly proud to know the service it has provided for these Islands.

Recently, the necessity has arisen to have a smaller plane for the smaller Islands, this again, I do feel was a correct move, although I understand some people are upset about the size of the plane and the facilities which are not offered on it. But I do think that each and every one should realise that a baby has to crawl before he walks and while the people of Cayman Brac are thinking of Cayman Brac, they should also think of Little Cayman. The Cayman Islands are made of three Islands, and we should do our utmost for each one.

I am not at all against a jet service to Cayman Brac, but, Mr.President, one has to take into consideration that this, at this time could never be profitable . I cannot say that it is not right to have the airport lengthened, because one never knows when the necessity arises that, for example, in the case of an accident that we may need to get there quicker, but I think for now, we have a plane which is quite capable of taking care of that area. I do hope that people will re-consider and will look and see for themselves that to put something bigger on that run could not be profitable.

I am aware that they deserve as good as the Cayman Islands and I must admit in most cases they are more helpful people, whenever something arises, they will always try and help themselves and this Government can greatly appreciate, but on the other hand, they should re-consider that they are part of the Government, not just the people of this Honourable House.

I do hope and trust that Cayman Airways will continue to be successful on all routes and I do hope that the second aircraft will shortly be utilised fully.

Speaking on the Turtle Farm, Mr.President, I am quite sorry to know that things have turned out the way they have, but we can only hope and trust in God that in time to come we will be able to find a market in the United States for turtle products. There is always a saying "behind every dark cloud there is a silver lining", and I do not think it is too late to give up hopes. This has been very important to the people of these Islands due to the fact that it has provided a lot of jobs and it is really bad to know that such a stand has been taken by the U.S.Government.

I must support what the Lady Member from George Town said about amending the law and allowing our men to fish, we have tried and it seems as if it has not worked, so I think we should re-consider and act accordingly.

Mr.President, I must say it is good to know that the International College has secured accreditation in the United States. This College, although small, has done good for our country,it has helped people who, many years ago, perhaps thought they would never be able to further their education. I do hope and trust that Government's support will continue and that the College in itself will prosper.

MR.PRESIDENT: If the Honourable Member is prepared to take an interruption, we might suspend for a little while?

MR.JOHN McLEAN: As you wish, Sir.

MR.PRESIDENT: I will suspend for fifteen minutes.

AT 3.45 PM THE HOUSE WAS SUSPENDED

AT 4 P.M. THE HOUSE RESUMED

MR.PRESIDENT: Proceedings are resumed.

MR.JOHN McLEAN (CONTINUING): I see in your speech, Sir, mention was made of a fire engine to be installed in Cayman Brac. This, I consider should be given priority. The Honourable Member mentioned yesterday of the incident that took place and at the same time the plane was due in. This is a good example and one that should not be taken lightly. I think Government should take positive steps to have this looked into right away because this could have been one of those hotels where the lives of many could be in danger and because there was only the one fire engine on the Island, could have been a great disaster. So I am asking that Government take into consideration what can happen and to make every effort to have it corrected.

Tourism, Mr.President, I must say has been on the upward trend. The Member has done a remarkable job and we must at all times remember this is one of the greatest assets of our economy. It is very important that the people of these Islands continue in their usual way of being friendly to tourists, trying in every way to help, because we depend upon them as much as they depend on our hospitality while on our Island.

I must mention Pirates Week;again this has been a very good thought by the Member, it has proven itself and it has been a very enjoyable time for both locals and foreigners. I am certain it has brought to our shores tourists from many, many parts of the world and it has also brought back many Caymanians living abroad.

I do hope that in each and every district when this time comes around that the people will participate and make the day a special one. Something of this sort, Mr.President, it takes the community to participate in in order that it can be a success.

I look forward in this year's Pirates Week to even see greater things happen, things which will continue to attract people to our shores for such an occasion.

Some people in the public continually say Government allowing too many tourists at one time to the Island. This, again, could only come from somebody who will never know good when they see it. If they would stop and think, it is something to depend upon, something that brings money to our shores, something that helps our people.

While on Tourism, I must mention something that was brought to my attention, which is directly connected with the tourists. After all, Mr.President, the first impression one gets when coming to our shores is what they see at the airport, if they come in by plane and it has been brought to my attention that just a few days ago,apparently the taxis drivers were about to put on a scene at the airport. This is not good enough, I have said it before and I will say it again, I do not think it will ever be better until it is handled the way the dock is being handled. If there is a discrepancy among taxi drivers, the airport in front of tourists to this Island is no place to thrash it out. I do hope and trust that the Member responsible will look into it and will make it abundantly clear that this sort of thing should not and cannot continue.

I can put myself in the place of one of the tourists in a foreign land and that sort of thing happening among the natives, I am quite certain it would not leave me with a good impression.

MR.JOHN McLEAN (CONTINUING): Everybody has to live and I can appreciate that each taxi feels he has to earn his bread, which is fair enough, but on the other hand if hotels on the Island went to the trouble to purchase vehicles to transport their guests to and from the airport, it is not right that when a pick-up is being done that something of this nature should take place. I am quite certain that other buses are being used for the same thing, I have taken my own eyes and seen it, so what is the difference?

Mr.President, I am proud to know that quite recently this Government was able to purchase a new police boat, to patrol around these Islands. There is but one thing that worries me and I do hope and trust that it is all in order and that is if the Captain of that boat sees fit to pull in another boat which might be engaged in for example the drug traffic, I do hope and trust that things are arranged that he has such powers and not another case that will be taken to the Court and the Island looked down upon, because of utter slackness.

Police, Mr.President, there is one thing that I would like to hear more of and that is public publications by radio and even in papers to the tourists for due care and attention while travelling on our roads. I am aware of the problem, of course the tourists are down here for a good time, they are out to see what they can see, and lose track that they are on the road. I do feel that if the police, through the radio, continually broadcast in this respect, it would be quite helpful to the tourist. I have had on ocaasion, just a few days ago, while travelling from George Town to East End, my son and I, and if I had been doing sixty miles an hour I would have killed a tourist on the spot. Coming out of the North Side junction and looking across the road at a crashed car, and not paying attention to what was coming from the other direction. I was able to stop in a hurry, tooted my horn and the guy gave me a salute and I could see he was quite nervous. This is quite understanddble, this is one of the reasons I will never drive when I am off this Island, because I find myself doing the same thing when I am in a car, I am looking at different things and I am sure that it would take my attention up to where I would end up like the average tourist coming to these Islands.

We, as responsible Legislators, I feel it is our duty to try in every way to assist the tourist and to see that he or she has a remarkable good holiday while in our Island.

Mr.President, New Prison will again be something for Caymanians in a way to be proud of. We will not have to be sending our prisoners abroad, but there is one thing that I must speak out strongly on and I do hope and trust when this is completed that I will see it done. That is, the idea of this hotel life broken up. If somebody commits a crime he or she should be punished for it, not put in prison and treated like somebody in a hotel on the seven mile beach. I feel that a prisoner should be fed properly, should be taken care of properly but he should be made aware that he is in prison, not for a holiday but to pay for whatever crime he or she has committed. There is no reason why Government when the new prison is completed, should not make sure that at least enough produce and vegetables are grown on the land that has been purchased to maintain the hospital and the prison. This will be a saving to Government and I am quite certain if somebody has to work to do this, to produce vegetables and other produce it will help them, because they will be aware that they are working for the sin they have committed, and instead of going in and having a wonderful time and coming out and being twice as bad, they will in turn perhaps be a changed person.

I have recently, in my district, had a guy return from prison in Jamaica and on Sunday he sat and chatted for awhile and he pointed out to me "I know the ropes, and I am prepared to make a complete change in my life, because during my seven years

MR.JOHN McLEAN (CONTINUING): it was not an easy time". I am quite certain, Mr.President, when cases are taken up in these Islands and somebody is put in that prison, if it was stiff enough he or she would not want to go back.

I am also glad to know that the prison , the responsibilities of the prison have been moved from the Commissioner of Police and put under the Member for Education and Social Services. I now feel that we will see something being done and that the Member will in his capacity continue to do as he has done in other areas.

We cannot wipe our crime completely, Mr. President, it has been since time began, but we can only try our best to make sure that it is curtailed.

Civil Service, Mr.President. Much has been said criticising Civil Servants. This I agree with. I have said it here before and I will say it again we have dedicated men and women within the Civil Service, men and women who earn their living the honest way and perform the way they are supposed to for a month's salary, but in every organisation there is an odd sheep and it is a pity that people never stop to say this when they are criticising Civil Servants. They use the term 'Civil Servants" and that covers the whole Service. This I disagree with, every man should be given his due and we do have dedicated men and women and we must say that it is these dedicated people, working hand in hand with politicians that these Islands have been kept afloat.

I was very much upset to know what took place quite recently. In my humble way of thinking this should never have happened, Mr.President, we are all men and women and I do feel that this should have been thrashed out in a better way before going so far. However, it is never too late to make a correction and I am now appealing to this Government or this part of Government to work hand in hand politicians with civil servants to continue the success of these Islands.

Sometimes, Mr.President, I ask myself why qualified Civil Servants decide to leave the service. In some cases I know the private sector may offer a better salary and of course, this is what a man is looking for today, where he can make the most bread. On the other hand, I feel that any dedicated Civil Servant would think twice on what he can do for his country and for the betterment of Government.

I would like to pay special tribute to Mr. Harry McCoy and his wife, Mr. McCoy has already left the service and his wife shortly, I do feel they have both done a remarkable jo and I do hope and trust they will live to enjoy their retirement.

MR.PRESIDENT: I will now have to interrupt the Honourable Member in about three minutes, but this does not preclude him from going on tomorrow.

MR.JOHN McLEAN: I will try and wind up, Sir.

Moving on, Mr.President, to the census report I must make a correction concerning my district. It was said in your speech there are as many restaurant/bars (six) as churches in East End. Well, this is incorrect and I do hope that the remainder of the census is more correct. We have 3 bar/restaurants and one bar.

The revenue prospects, Mr.President, seems quite encouraging and I trust the Good Lord for the remainder of the year that it will continue to be that way and I am sure with the hand of the Honourable Financial Secretary at the wheel he will do his utmost to spend funds properly. He is quite a capable man

MR.JOHN McLEAN (CONTINUING): of doing so and I do feel and trust he will.

In concluding, Mr.President, I would like to thank all Members of this Honourable House for whatever way they have assisted me in getting different things for my district. I have been able to get for the Clinic, Playfield, burial ground, proper roads and now I am working on a road in the interior. This could only be possible through the unity of this House. I am proud to know that each Legislator was able to see my need and would support me in the matters.

Mr.President, this may be the last Throne Speech for some of us as there is now an oncoming election, but I can say each Legislator can have clear conscience and can say "We have made our country one of the best". Thank you.

ADJOURNMENT

HON.D.H.FOSTER: Mr.President, I move the adjournment of this House until 10 a.m. tomorrow.

MR.PRESIDENT: The question is that this House do now adjourn. I will put the question. Will those in favour please say aye, those against no, The Ayes have it.

I will adjourn until 10 a.m. tomorrow.

STATE OPENING AND FIRST MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON WEDNESDAY, 19TH MARCH, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.B.E. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V.G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

MR. J. GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN L. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. K.P. TIBBETTS, SR., J.P.	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, J.P.	*ELECTED MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*ELECTED MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ORDERS OF THE DAY

WEDNESDAY, 19TH MARCH, 1980

1. PRESENTATION OF PAPERS AND REPORTS

AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE FINANCIAL YEAR ENDING 31ST DECEMBER, 1978

AUDITED ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE FINANCIAL YEAR ENDING 31ST DECEMBER, 1978

BY HONOURABLE V. G. JOHNSON, C.B.E., J.P., FINANCIAL SECRETARY AND THIRD OFFICIAL MEMBER.

REFERRAL OF ACCOUNTS TO PUBLIC ACCOUNTS' COMMITTEE.

2. QUESTIONS -

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

NO. 20: Will Government cause an investigation to be carried out on persons residing in these Islands who are alleged to be holding three passports of different nationalities, including Cayman Islands Passport?

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

NO. 21: Will the Member state whether the sale of the property adjacent to Pageant Beach has been concluded?

NO. 22 Will the Member say whether the purchase of the Pink House property has been concluded and if so will the "No Trespassing" signs be removed from the place?

3. CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

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WEDNESDAY, 19TH MARCH, 1980
10:00 A.M.

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

AUDITED ACCOUNTS OF THE GOVERNMENT FOR THE YEAR ENDING 31ST DECEMBER, 1978 and AUDITED ACCOUNTS FOR THE GOVERNMENT SAVINGS BANK ENDING 31ST DECEMBER, 1978 - LAID ON THE TABLE.

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House the following papers:-

(1) AUDITED ACCOUNTS OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE FINANCIAL YEAR ENDING 31ST DECEMBER, 1978.

(2) AUDITED ACCOUNTS OF THE GOVERNMENT SAVINGS BANK FOR THE FINANCIAL YEAR ENDING 31ST DECEMBER, 1978.

Mr. President, I would further request that these accounts be referred to the Public Accounts Committee to be dealt with in the usual manner.

MR. PRESIDENT: The two papers are ordered to be laid on the Table. If there is no dissenting voice I will take it that the papers stand referred to the Public Accounts Committee.

ACCOUNTS REFERRED TO THE STANDING PUBLIC ACCOUNTS COMMITTEE.

MR. PRESIDENT: Carry on with questions.

QUESTIONS

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

No.20 Will Government cause an investigation to be carried out on persons residing in these Islands who are alleged to be holding three passports of different nationalities, including Cayman Islands Passports?

ANSWER:

Such an investigation could only be justified where there is reasonable cause to suspect that a person is unlawfully in possession of one or more passports in breach of the Criminal Law.
As the Honourable Member will already know it is possible for persons in certain cases to hold more than one passport legally. Some countries recognise dual nationality and will issue a passport to a person already holding the passport of another country. If the Honourable Member has facts to a case where one or more passports are held unlawfully I would be pleased to receive the facts privately and in confidence so that a proper investigation can take place.

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

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

No.21 (1) Will the Member state whether the sale of the property adjacent to Pageant Beach has been concluded?

ANSWER: The sale of Parcel No. 13E3 adjacent to Pageant Beach has not been concluded. The option to purchase the said land expires on 24th March, 1980.

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

(2) *Will the Member say whether the purchase of the Pink House property has been concluded and if so will the "No Trespassing" signs be removed from the place?*

ANSWER:

The purchase of ParcelsNos. 5 and 6, located on North Church Street, has been concluded. The house is to be renovated and used as an office for the Agricultural and Industrial Development Board. Public Works Department will be instructed to remove the "No Trespassing" sign.

MR. PRESIDENT: *If there are no supplementaries we can take it that question time is closed.*

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH

MRS. ESTHERLEEN V. EBANKS: *Mr. President, it is with great pleasure that I add my little bit in debating your Throne Speech. There is very little left for one to add to such a comprehensive Speech, but nevertheless, I guess the other Members of this House always expect that the two lady Members will always rise to their feet if to do nothing else than to complain.*

Mr. President, the year 1980 being an election year much criticism as is expected has gone on and will continue to go on, but I feel Sir, that Members of this House have nothing to fear if they intend to contest the seat in the 1980 election. What I want to say this morning is that the opposition must be able or anyone seeking a seat must be able to convince the electorate that they can do a better job than what has been done over the past four years. If they intend to go forward and tell the people what they are now telling them, if we are elected we intend to stop the building of condominiums, to sell the two BAC 1 -11 airplanes, to stop the oil transfer operation in Little Cayman, then they must produce other means or must convince the electorate that they will be able to do other things that will bring as much revenue into this country as these areas have done.

How can one really tell the people these things and expect to get a seat in this Legislature? I feel, Sir, that the people of this country suffered enough already. They are convinced that the country is now in a good financial position. You have said in your Throne Speech, you have outlined the position of the country economically and there is very little doubt left in the minds of the people where this country now stands, and I think the decision is completely up to the electorate whether they want the Members of this House returned or whether they will remove us in 1980.

Mr. President, I do not intend to speak very long, but there are a few areas of grievance to me. One is the Caymanian Protection Board. I am not satisfied with certain actions being taken by the Caymanian Protection Board, and I feel,Sir, if certain things that I have been made aware of are really happening, then they should be corrected. One that has been brought to my attention is that the Chairman of the Caymanian Protection Board can accept applications through his Law firm and deal with them when he goes to the Board. If this is so, I would dispute this. I do not think that if he is a Chairman of the Board that he should be able to do this, and I for one Member speak out very strongly against it.

Another thing is that it has been brought to my attention that, or I should say first, when we were elected we tried to encourage different industries in this country, people came in, they have invested their money and their businesses have grown. Recently quite

MRS. ESTHERLEEN V. EBANKS (CONTINUING): a few licences that are not their business licences, their work permits have been withdrawn or they were given notice that they would be withdrawn. I cannot agree with this type of action, Mr. President, because I feel that when we give people work permits we should thoroughly screen them in the beginning and find out if they are honest or dishonest. Do not wait until they have invested their money and then tell them one year or two years down the line, we do not want them any more in the country. Furthermore, I feel that if you pull a person's work permit, then pull the person's business licence, because if we do not want the dishonest man's business, we do not want the dishonest man in the country holding a work permit, we should not want the dishonest man's business.

Mr. President, the question of status is another one that continues to bother me. I know recently of quite a few actions taken by the Board to turn down status for different people, these people have served the country well, they are qualified in different fields and they have told them they will get no status. We must be careful at this time that we do not frighten people away from our shores. I agree that we cannot leave everything wide open and that Government will have to take stands at certain times, but, Mr. President, I feel that if a person has built a home, owns a car, has behaved well, has causedthis Government no problems, then I see no reason why he should be refused status after living in this country for seven, eight or whatever the period of years would be.

Another problem in the Immigration Department that bothers me, is the granting of work permits, especially those to domestic helpers. One may wonder why I would touch on this subject, but when you have experienced certain things yourself, and as a housewife or as a mother and wife, I realise that some houses cannot go on without having domestic helpers. People have been given very little notice that no more work permits will be granted, and when they go to the Board to try to get a work permit they are told that they will be receiving no more applications for domestic helpers. This will cause problems in this country, Mr. President, because the woman in the house has to go out and help her husband work these days. And if she has to go out to work she will have to neglect her children, neglect her home, and you will end up having probably more social problems if she cannot get someone to take care of her children or help her out in the house. Furthermore, when she comes home in the afternoon if she has to do the work she will further have to neglect her children. If she has someone doing her work, the time in the afternoon can be spent with her children.

I would like a serious look to be taken, especially in the line of domestic help, because every year we have more children being born, every year we have more young mothers going out to try to assist their husbands in getting something to make it easier for their families, a better life, and I would like to see these areas eased up on a bit.

I cannot agree with the bringing in of domestic help, especially from Spanish speaking countries, because, Mr. President, it is hard to get the English speaking maids to understand what you want them to do much less to try to let the Spanish speaking maids understand exactly what you want done in your home.

The area of police records, Mr. President. I have spoken in this House once before about police records, and I realise that if a person has committed a crime they should have a record, but I am a bit discontented with them holding that record for probably all their life, such things like riding a bicycle without a licence or without a light which appears on the records of probably someone who did this twenty years ago. I think that we should look at the Law, and after a period of time when the person has probably committed no more crimes, and he only has probably one offence or something on his police record, then I feel he probably should be given a clean record to start his life all over again. If he is a hard criminal, then I do not sympathise

MRS. ESTHERLEEN V. EBANKS (CONTINUING): with him very much, but we must try to help our people in every area that we can.

Mr. President, many people come into our country from the United States and many other countries, and I can assure you, Sir, that it is a good thing that this Government is not as strict on them as other Governments are on us. Now I do take into consideration that we have to depend on some of these or most of these people coming into the country, but at the same time, I had an experience, which probably Members of this House will remember, not long ago, of an escaped convict who ran a bill up in a restaurant that I was running to five hundred and something dollars. If this man had been thoroughly checked out by Immigration, probably he would not have been able to stay in this country and cause the hardships that he caused not only to me, but the hotel in which he lived. So I am saying we do get people in here with bad police records, our people do not go abroad as escaped convicts and the rest of it. So I would like these records carefully looked into and try to see what we can do to help the young Caymanian who probably wants to go abroad. If something is on his record for a period of ten years that will stop him from travelling, I would like to see this area looked into also.

Mr. President, I must say one area of great concern to me is the little regard that is held for certain Members in this House. Quite recently the Third Elected Member from George Town and myself visited the Governor's Office and made a complaint of a telephone call she had received from a certain nurse at the hospital, stating that drugs were being shipped out to Jamaica. We felt that after hearing in this House that there was a certain shortage of drugs at the hospital, that we should report if a nurse working there said that drugs are being shipped out and they were not able to keep a carton box around the place because of them being used to pack the drugs in. This conversation was made to the Lady Member from George Town, and when she spoke to me about it, I said, "let us go to the Governor", and she said yes, she wanted to go also. We reported matter and until today neither one of the Members has been informed of whether an investigation has been made into the matter or what has taken place. This is not good enough, and I feel that we are due to know if we make reports to any office, we should get an answer stating what has taken place.

In your Speech, Sir, you spoke of Cayman Airways and outlined everything quite clearly. And the phrase used there as "Cayman Airways being started an airline without an aeroplane" was very justifiable. And I feel, Sir, that today that every Caymanian is justly proud to know that we have an airline of our own, and today we cannot only say that we have an airline without an aeroplane, but we can say that we have an airline with aeroplanes that are doing well. And I feel that this Company has done well, probably under the guidance and hard work of the Member responsible, he has done a very good job, both the dedication of himself and the staff of that Department. And I would hope that this would continue to progress, because the economy of this country depends a lot on the progress of our airline.

Quite recently we have heard about the establishment of a girls' home, and I would hope that this project would continue, and I feel that it will serve this community great whenever it is established. But the one thing that bothers me, and I know we have to take strides slowly, we cannot rush into everything, but we do have an increasing amount of problems with juveniles who will not be able to go into the Boys Home or Girls Home, they will have to go into places like reformatory. I wonder if this time is probably not as suitable as any to start planning for a reformatory in this country?

Quite recently a lady from West Bay came to me and stated that her son was being treated very badly in the reformatory in Jamaica and that he had to fight to get a meal to eat. He had been beaten on many occasions, I reported this, and it was given to the portfolio in charge of this, and I was given the assurance that they would investigate and find out if this was true or not. I feel it is time, Sir,

MRS. ESTHERLEEN V. EBANKS (CONTINUING): that we look at a reformatory very carefully. I know we probably could not afford to build two different schools, I mean two different schools on two different compounds, but we could probably have two buildings with high walls between them on one compound that would house probably the boys and girls. And I see that we have to work on this. Quite recently we listened to the Radio report and heard what is happening over in North Side, and I am certain that if these children are picked up they will not qualify to go in our Boys Home or even the Girls Home when it is completed.

Mr. President, looking at the people picked to do the registration of voters in the district of West Bay, I am not satisfied, Sir, with the people who have been picked to serve as registering officers. One wonders why is it always in every election people are picked from just one section of that community, one wonders why it is always people who we know are great supporters of the opposition? Why is it not spread across the board? Why are not people picked from different sections of the district? Why are four people picked from the Bosum Bay area and none picked probably from the central West Bay area, Mount Pleasant area or the rest of areas?

We have been told that we have to get intelligent people, people who can do the job thoroughly. Well, Mr. President,, I feel that if there are only five intelligent people in West Bay our district is very poor off. I feel, Sir, that this is done for a political reason and that I would like to see certain members within that group changed. We have picked, I think, something like four people from the Immigration Department, why, why has this been done? We have been told all kinds of things, but the last time members running on my platform knew the type of problems we faced. Most of our people, when we went down the list we found quite a number of people who were not registered. We do not want this happening again, Sir. I know there is a way of getting around it, you do have a Preliminary List, and then you can have it checked out and have people put on it but it is quite a job, and I feel we do not need people supporting us, or people supporting the opposition, we need honest people to do the compiling of the Registered Voters List.

I asked a question a few days ago in the House why a Member for West Bay was not put on the Caymanian Protection Board? I got an answer which did not satisfy me very well. The Member stated quite rightly what the Law said, but you know what surprised me most, Mr. President, is that the very Members that sat in this House and made those Laws are the people who stand in the districts and tell the people that you do not have representation on Executive Council, you do not have representation on the Protection Board and the rest of it, when they know that the Law clearly states that you do not necessarily have to have a member from each district. And in the case of Executive Council, it would be impossible for every district to have a member on it. These are the type of things that members from the districts have to face, the old die-hards as many of us have referred to them in our district go about spreading these type of things when they know what the Law states.

But, Sir, it is my feeling, even though the Law that they made states what it states, I feel, Sir, that it was a neglect on the part of Executive Council and the Member responsible for not having a member on the Caymanian Protection Board. When we were first elected to the House, Executive Council sent out letters to members of my constituency, my two colleagues and myself asking us to recommend who we would like on the Caymanian Protection Board, this was not done when they were re-electing people to the Caymanian Protection Board and I am not very satisfied. I would like to see a member from my district on the Caymanian Protection Board, and I am not satisfied to wait until 1981, I might not even be a member of this House in 1981 because I am supposed to be swept out in the 1980 election. So whatever can be done, Sir, I would like it to be done as quickly as possible in having one member placed from West Bay on the Caymanian Protection Board. And I hope I will not be told that there are no intelligent people or not enough intelligent people in my district that we cannot find one to go on this Board.

MRS. ESTHERLEEN V. EBANKS (CONTINUING): Mr. President, I guess Members are becoming bored with my numerous amount of complaints, but if we have complaints the place to air them is on the floor of the House.

Your speech has outlined the progress of this country, and there is very little more that a Member can say to add to that. I feel we have to pick out the areas which we are most discontented with and air them from here, because Sir, I feel that we do not get much satisfaction in most cases when we do it otherwise.

It is good to see that Cayman Airways has helped through establishing offices in so many cities or so many countries, has helped to serve as a way of advertising this country, and that is their job. And it is also good to see that Miss Cathy Bodden, a very intelligent girl from West Bay was able to represent this country in Australia, I think, and we also had another very intelligent young Caymanian girl from West Bay representing this country in England, quite recently, Miss Jennifer Jackson. And it makes us very proud to know that our young people are stepping out to represent this country, and I feel, Sir, that we could have had no two better people to represent this country than these two young Caymanian girls.

I for one would like to encourage the young people of this country to hold their heads high, step out, because they are the men and women of tomorrow, we and the young people can do things to help this country. Looking recently at a young Caymanian who has taken over in helping to carry on the Agriculture Show, I would like to also take this opportunity to congratulate him. He did a very good job, even though on the day of the Agriculture Show I was not there. I heard that it was as good as any other year, so it proves to us that young people can do things if they put their heart into it. One of these days you will not have the older heads to carry on our country, it will have to be taken over by the young people. We as Legislators must work with our young people, we must try and endeavour to encourage them in every way we can so that they will be able to carry on this country when the old is gone.

I will not continue my debate, I will only say that it makes me very proud and happy to know that after three years and a few months that this country is now standing in the financial position that it stands in today. And I hope that with the good guidance of intelligent people that it will do no worse in the years to come.

Mr. President, it has been a great experience to me working with other Members of this House, and I feel, Sir, that no Member would have done any better a job than what the twelve elected Members of this House, with the help of yourself and other civil servants, the Financial Secretary, the Clerk of this Legislative Assembly and the able guidance that we have got, as I have said before, from you, we could not have been as progressive as we have been without these guidances. And I would like to say that should I be returned in the 1980 election I will continue to work with my colleagues as I have done in the past and will continue to build my country even more than we have done in the past three years and some months. I thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President, I appreciate the opportunity and the privilege of being here this morning to take a dip into the affairs in dealing with your Throne Speech. I am not quite sure, Sir, whether this will be your last Throne Speech or not, and even if it is not, I will look forward to enjoy your Throne Speech even if I am sitting up there.

My people, my judges, and I do not promise roses without thorns, I do not promise my people that they would all go to the moon, and if they should, they would have to by working for it.

You delivered an address to the people of these Islands, the second to none, Sir, and it is all true facts, and figures can bear out all that you have said, Sir.

I have seen the good days and the bad days as an Elected Member and if I had not promised to dedicate my service, my time and my life to this country I would have quit long ago.

MR. CRADDOCK EBANKS (CONTINUING):

It seems, Sir, that the most menial jobs to be done today we cannot find people to do those jobs regardless of the pay in , other words, you cannot even pay them. When I started working as an elected Member for this country I worked for nothing, like all elected Members. It is only the last few years that we have been getting a little subsistence, for all the many first years they were penniless.

What I am trying to say, Mr. President, is the dedicated people who have laid the foundation for this country long before my coming into being or on the scene, and if we the people with common sense had not followed the blue prints, the drawings, of our forefathers then this country might have been different today too. But I am glad, Sir, that there are enough people with enough common sense, good understanding, with an interest of respect and determination to see this country grow and develop in the way that it should.

If I had to follow your address, Sir, line by line, then I am afraid, Sir, that your vacation would be interrupted. But I will not interfere with your planned vacation, Sir, but I will deal with a few things as I go down the line.

The economy, Sir, of this country is good and it did not come down just by a shower of rain, it was hard work to help bring in and establish this economy. May be it is felt that it is a course of its own, it just had to come about. I would not think in that light, Sir, because in 1975 this country was feeling the pinch of a falling away of the economy. And if that Development Plan had been passed as was planned, then it would have completely fallen apart. But the wisdom of those controlling the presentation of the Plan, did a good job by not presenting it to the House.

After the election in 1976 the Plan was presented to the House and it was picked to pieces, it was sliced in two. It reminded me, Sir, of when the first draft Constitution was presented to this House some years ago, Sir Hugh Foot, Governor of Jamaica and the Cayman Islands presented the draft Constitution. I well remember his opening remarks to the extent that he had read that piece of document over a number of times, and he did not think there was anything wrong with it. But by the end of the day's toil, Sir, when it had been picked to pieces, his reply at the end of the debate, Sir, he said "I am now convinced that you people did not or would not be getting what I thought you would be getting, and I can agree and accept this, we do not have a draft Consitution as I saw it". It was the same thing, Sir, with the Planning Law, if it had been passed then we would have been, I guess, like many other territories today.

There were banks that closed down, there were investors who moved out, there were people who said they would not invest anymore, but the flood of investments would soon revive when a new Planning Law is introduced. So, Mr. President, what I am saying, if it had not been for a change, for a redrafting of the Planning Law we probably would not be having our economy so abounding in fat as it is today.

I quite realise, Sir, that it is not so easy to control the mass rush of development as is today, because human nature, whenever something is good and is going everybody likes to get a dip into it. The labour to cope with the development is not too easy but there are enough people locally, nationals, that if everybody was working today it would not be too much of a problem in the labour field. Donnie and I were talking about this a few nights ago, and he said, the thing is about it why so many people are not working, if you have five in a family, three are working, they take care of the other two so they do not have to work. I told him it was good for him and Byron that they turned out the way they did, because they would not be eating in here if they were not working.

It is a pity that we could not legislate laws to make people work, but we do not carry that kind of legislation. So they will have to continue to enjoy life from the sweat of somebody else if they can.

MR. CRADDOCK EBANKS (CONTINUING): Nobody, Mr. President, is blind or can truthfully say that the country is not progressing, they cannot truthfully say that it is going to destruction, they cannot truthfully say that the people are going to suffer from the want of work or money, or what money can do for them. It is only evil thinkers that will try to blindfold and mislead people with those untruthful remarks. Because if one drives around this Island, within every mile nearly you can see some sign of preparation for development.

It will not continue that way for ever, Sir, it will reach a peak and level off, but it will take a number of years to develop all the undeveloped land in this Island, so we do not have to think about running short of land for development. When the western end is completely developed they will have to go east, they will get closer to me then. So I feel, Sir, that development, with all the difficulties that it may carry with it, we will endeavour to try to cope with these things and have a prosperous development over the next few years that the country and all its people would benefit. Some will say like they said about the tourists - "I do not get anything out of the tourist". It may not be directly, but you get it indirectly.

Mr. President, I would like to say something about the Caymanian Protection Board. If we could set up any Board or Boards like the Assembly, which is not a board, but we tried and we do not please everybody, we do not satisfy everybody, and the same applies to any Board. And I feel, Sir, when a board is appointed they ought to do their duty without fear or favour. And in dealing, Sir, with applications, however hard they may try, probably some applicant may get through the screen and is granted a business licence or a work permit, but after awhile he might have been detected - found out, then what is wrong with cancelling his work permit?

Men are getting smart nowadays, they know how to pull the cord to get what they want sometimes, but soon the cord starts breaking then they find out. I think, Mr. President, any board that is set up to deal with the interest of this country, if something is done by the board and the applicants are not satisfied they have another route, and they should pursue their interest, their rights, by going through the next channel.

Not too many weeks ago somebody came to me with a draft letter, a petition or something asking me to sign, because so and so had been working here for a few years and so and so about him, and this and that.. I said, "I do not know the man, I do not know if I ever saw the man. How can I commit myself to say John Brown is everything you are telling me when I do not know the man?" That is a lot of what is happening, Mr. President, people are running to the public for rescue when they are being dealt with when they are found not to be what they were when they made the application. And there are too many people, Mr. President, trying to get a work permit in this country, but somewhere down the line you will find somebody who is honest, and if you find one that is dishonest there is no reason that that man or woman with a work permit should not be taken off of the job.

So I cannot say that I presently or conscientiously can say that I know of any instances where the Caymanian Protection Board dealt unfairly with applicants. And I say, if an applicant is not satisfied, well they have another source of justice, let them pursue that. One thing I do not quite understand - (I am not blaming the Caymanian Protection Board for this) - we have a lot of Caymanians or part Caymanians born in some other place like Honduras. A lot of our parents, grandparents lived over there, they had children born there and they come back and they find it hard to get settled in.

I know of one married couple now, the woman is a true born Caymanian, mother and father, she was born in Cayman, she married a Honduranian born by Caymanian parents and he has been trying to get a work permit and it seems like that is being dragged out. Now in an instance like this, I do not see why that man should have to have a work permit when he has a Caymanian wife and his parents are Caymanians. These are the things that I feel should be looked into and not dragged around. So I trust

MR. CRADDOCK EBANKS (CONTINUING): that the Caymanian Protection Board will continue to do their job, and as I said, do it without fear or favour, whether it is a Canadian, American, Italian, English or who.

And I feel, Sir, that with the importation of labour, which should not be at a mass importation at this time. There are enough people here to do the work, even if it takes a few months longer to do the planned job. Then let it be that way, and let as few as possible be brought in. I am not trying to say, Sir, that our neighbouring territories have young people, young men who need to seek a better livelihood that they could not come here to get a job. We did the same thing, Sir, and if it had not been for many countries accepting us, then our livelihood might have been, or would have been in fact, much worse over the many years ago.

Much has been said about further coming in of Jamaicans, too many coming in. If I could think right, Sir, the bulk of Jamaicans who are coming into the Island now are people who are coming in on a return ticket, they come in for a few days and go back out. I am not saying that a few do not get ahead, but like the vast amount that I see around, if I am made to understand correctly, Sir, they are on a return ticket, and it is want why they are here.

I went across to the Airport on a few occasions when some of these flights go out, and the struggle and scuffling with goods that these young women are working under to get things to take back home, even if they are selling it in the black market, we do not have anything to do with that. But what they are doing is hard, hard work, and they would not come in this vast amount if it was not for want.

I can remember well, Sir, in my boy days when the old schooner Fulmar mastered by Captain Gerald Coe, traded between the Cayman Islands and Jamaica with thatch rope - all around the coast of Jamaica trying to sell 10 coils one place and 5 another and 50 another to get biscuits, brown sugar, corn meal, to bring back to the people of this Island. I have known there were times like this time of the year when the Fulmar could not come to North Side, she would get into the Sound and we had to take a boat and go around and get something out of what the merchants might have for North Side to help keep life going.

Besides those type of young people who are coming and going out of the Island, we were once a part of Jamaica, we still have a close relationship with Jamaica, we are still getting help from Jamaica, and I feel, Sir, that we are only duty bound to tolerate and put up with the Jamaicans the best we can, and as long as we can, but I am not saying, Sir, that we will open the gate that they may all sweep in. Taxpayers money is going to pay for the University of the West Indies in Jamaica, we can still further our education, we have the hospital, we have our prisoners, we have other areas that we still have to look to Jamaica for and we must be humane in our behaviour in dealing with the Jamaicans.

Mr. President, the Member responsible for Agriculture, Lands and Natural Resources, well defended agriculture in his speech yesterday and I would too, Sir, if I were in his place, whatever is under my portfolio, I must defend it, but I will say here, Sir, without fear or favour of contradiction, there is room for a lot of improvement in the Agricultural Department. If I were one who could see some things being done I would not have said this, Sir.

He mentioned that when farmers make an appeal to the Department for help in any way it is their duty. Well it ought to be, Sir, and they ought not to be left to be begged all of the time. One of the officers in that Department assured my wife about nine months ago that he would graft some trees for her, and just a few weeks ago I said to him, "My wife is still waiting on it". "I am going next week, you can be assured of that." I have not seen the man yet, so it is not even any use of asking. In a small Department like that with men in it with qualifications, it ought to be their duty to get out and get around to people's back yards and see what they are doing and what they can do to help without householders asking them to come, and even if you ask them then they still do not come. So I do not see, Sir, that there is not some room for improvement in getting out and getting a job done.

There are times and times again that we cannot get any fertilizer, well that is blamed on the Treasury Department - they will not release the money, so I suppose the Financial Secretary will have to be

MR. CRADDOCK EBANKS (CONTINUING): progged on a bit to release some more money, more often, or however the system may be to keep the farmers then, in fertilizer that they can use in their farming.

Mr. President, recently it appeared a hand-writing on the wall in this country and that was when the Civil Servants, or a majority probably of the Civil Servants acted up in their behaviour, but I feel, Sir, it was unfair, it was unjust, it was unreasonable for their behaviour. over salary increase. In my opinion that was all planned for this year 1980, because it is the election year, and every imaginable thing that can be thrown in the way of the present Government to help, or attempt, to mislead the people of these Islands will be done this year. I cannot think, Sir, of any time that this Government felt, or that Civil Servants made a plea to Government thatwe feel that we should have an increase that Government did not try to go all out to assist in meeting this demand. But as far as I am concerned, Sir, they just seemed to have disregarded Government at this time. They made certain plans, they made certain allegations, it was that or nothing else.

When I said awhile ago, Mr. President, dedicated people, I wonder how many of those Civil Servants can truthfully say that 'I have really given my life, my time', for the time that they have been there with this Government. When it is closing time, five minutes to that, you are lucky if you can catch one in the office, yet they are dedicated.

I cannot but think of one of the most dedicated, which there are a number of those, I am just mentioning one presently, Sir, who is retired and has given most of his life, or all of his life in fact, because he was never sick, and I guess that is Mr. Watler, who was in charge of the warehouse for so many years; people could go to his home, he would go to the warehouse night after night, open it and let them get their goods, he would stay until after night to help. What was his salary? It did not take long to count it, Sir. I would like to see our young people follow in those steps of dedication.

I am firmly, Sir, of the opinion that there were Civil Servants who did not take any part in it, and I believe, Sir, if it was screened, you would find from where the budding came. I am hoping, Sir, that by the next election, not 1980, I am talking about 1984, I am not talking about myself then either - that Government will be so protected against Civil Servants causing a strike, or a squat-down strick, that it can be dealt with in 24 hours. I am not trying to say that any man or woman should not seek his rights, but when the Civil Servants took this country as hostage because they wanted X amount of increase, regardless of what Government said. I do not think that that should happen again, Sir. It should be made clear in black and white that when they start to exercise that type of behaviour, this Government does not need you, because where a man cannot be hired and fired, it should not be.

Mr. President, I saw in the Press a few weeks ago an editorial; it was blown up to where it seemed like it would explode, blaming this Government, and demanding that certain things be done with traffic in this Island. They suggested a number of avenues because of the death of an individual. Prior to that, Mr. President, there had been a number of deaths in this Island by driving, by accidents, and only on this occasion that such a glaring, demanding article should arise in the Press requesting that Government do something now. All of the Americans, all of the Caymanians, all of the Canadians who lost their lives in traffic accidents were they not as valuable or esteemed, or filled a place as good or as equal as this young lady who was killed? I regret that such a thing ever happened, but because this was a bird of another, of the same feather why this was blown up.

They demanded that the importation of big gas gurgling cars they say, be stopped, and I am sure, Mr. President, that if on investigations, and statistics on it, you would find that 99½% of the deaths caused in this Island were not by big cars, they were caused by the small ones, and I am saying, Sir, at this stage, I will have no part in restricting, as a legislator, the importation of big cars. A man and a woman who can work for $10,000.00 and want to buy a big 4-door car, that is

MR. CRADDOCK EBANKS (CONTINUING): his privilege, he pays the revenue for it, he pays the duty, he pays the tax, he pays the insurance. You may just as well tell me, Sir, that you would restrict the poor man from building a 4-bedroom house if he wanted. They say they are not the killers - the big cars, it is the individual behind the fifth wheel. They went on to talk about the speed limits. I have associated myself with that, Mr. President, on a few occasions over the last year or two, and I will make it abundantly clear here, Sir, I am not going to attempt to give any support to the reduction of any other speed limits in this country. There is no reason, Sir, that the mass motorists must suffer because of a few careless motorists, drivers. There are people who have to go to work, there are people who have their business to do, there are people who want to go different places, and they should not be tied down because of a few careless people.

There is no speed limit, Sir, that could be established that will not be abused, and I do not want to be the one to say that I did not want to help with speed limits if you could reduce it to save lives, but it does not. Go into the Courts and end it, no, whether it is being abused or not. When you have motorists doing 60 and 70 m.p.h. into a 25 m.p.h., why think about reducing it to 30 m.p.h.? When it is 40 m.p.h. they are doing 80 m.p.h.

I saw another article in the Press where it was suggested that governors should be on carburettors on cars, that is vanity as far as I am concerned too, Sir, I disagree with that. The manufacturers of the motorcars, in fact all engines in the world - they are built for a certain amount of power, they must do a certain amount of revolutions to get proper oiling, pressure, then if you are going to reduce the car where you can only drive 25 or 30 m.p.h. when it is built to do 100 m.p.h., if it is necessary - in a few months then Government is going to start to replace engines, and burnt up cars, and engines that burnt out.

MR. PRESIDENT: If the Honourable Member would take an interruption we might take our morning break.

I will suspend for fifteen minutes.

AT 11:35 A.M. THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED AT 11:55 A.M.

MR. PRESIDENT: Please be seated.

The Honourable Member from North Side has the floor.

MR. CRADDOCK EBANKS: Mr. President, I left off at governing vehicles that I did say that I disagreedwith, because to get the proper oil and water circulation into the engines to keep them cool we must maintain certain speeds, and if that is not done, Sir, these high speed cars with speed controlled to 30 or 35 or 40 m.p.h., they are ruined vehicles. Then I wonder if Government is going to be prepared to pay for the replacements of such engines. In passing, Sir, we know the break-in speed on a new truck after the first 500 miles is 50 m.p.h., then to exceed that after the first 1000 miles, so we just cannot think in terms of jeopardizing, destroying people's carsfor the sake, again, Sir, of a few people.

It was further suggested by the Press that driving tests should be more rigid. I could agree with that, Sir, in principle, but that will not have any control after he or she gets the driver's license, which in most cases it is not she, it is always he. And Mr. President, I have two boys who probably could come home to me, but it is not but one way to curb this careless, dangerous, reckless driving, and that is to take the right measures - not $500.00 fine either, Sir. Other than that I do not have any support to give to the Press in their request, their demand, as to what Government should do to halt, as they said, the careless driving in this country. There is only one way, Sir, to halt it - take the man off the road, and that does not have to have a half a dozen chances either.

MR. CRADDOCK EBANKS (CONTINUING): I know you cannot deprive a man of a driver's license until he commits an offence, or a serious offence, especially after someone has been killed, and for a little Island like this it is pathetic to go back and look at the records and see how many have been killed over the past few years, and in my opinion, Sir, most, or all, were caused by carelessness, regardless of what else might have been added to it.

Now, Mr. President, in dealing with traffic, I would like to go a little bit further. As I mentioned when I was making reference to the Caymanian Protection Board, that whatever is being done in any department, I stand for only one thing, Sir, and that is justice, and this ought to be done without fear or favour. We have a Law to take tests of drivers when they are under the influence of liquor to determine whether they were really drunk, or if they had more than the prescribed amount or not.

A few weeks ago there was an accident in the district of North Side, and it was the opinion of the public that the driver of the car who hit a wagon was under the influence of liquor. He was taken to the hospital, he had a broken arm. A few days after, I went into the Traffic Department and I asked the Traffic Officer, Mr. McCann, if tests had been taken on this boy to find out if he was drinking. He said, "No". I said, "Why?" then. "Well, it was the opinion of the Police who investigated the accident, in his opinion the driver of the car was not drunk." Then I said, "This Law demanding that tests should be taken to prove, then it serves no purpose." He said, "Yes, but if it is the opinion of the Police that he is not then that is it." I said, "I thought the Law was to protect the accused or the driver to prove then whether he or she was under the influence of liquor to the prescribed amount or over" to be fair. Well, he said, "It was null". I said, "If that is done then and it did not show the prescribed amount, then it would look like it would be the other side of the coin to where you might attempt to make a charge, whether it is careless driving, dangerous driving, reckless driving or what - speeding, as the case may be or anything. Anyway, we separated in disagreement.

A week or ten days after that I happened to be in the Courts and two accused for drunken driving were charged, appeared before the Judge, and when the Judge asked for a certificate, they said that they had none, no tests were taken. "Well", he said, "I dismiss the case".

What I am trying to say could anyone be so dumb to tell me that he could not charge one accused by not taking a test, and turn around and charge two accused who did not take a test and put them in the Courts? Where do we go from here, Sir? I would like to deal with some people too, Sir, not even the Judge.

Mr. President, we have a draft of a Minimum Wage Law that will be dealt with at some other sitting, but I am glad that that is coming about. I think it has been long overdue, and I am expecting, Mr. President, that when this is being dealt with that it will include all menial, common labour, both male and female. And I am hoping, Sir, that it is not the thoughts (which I have not read it as yet, I glanced through some of it), that it is not just simply thinking in terms of dealing with male common labour, because we have, in my opinion, a lot of the female workers, young women, working in areas, hotels, restaurants, clubs, supermarkets, stores, long extra hours that they do not get paid for, and I am hoping that when it is dealt with what will be good for one, will be good for all.

I know it is hard to get anybody to work for you, because they want to fix their own pay, their salary, and that is the first thing they want to know, what are you going to pay them, and if it is not in accordance with their thinking they just say 'forget about me'. But I feel that reasonable, justified rates should be set for both sexes in their capacity, or their qualifications, whatever field they may be working in.

Mr. President, one or two more small things. I am hoping, Sir, that the Financial Secretary will be able to answer back to one or two of these. We have some systems with Government where you go to one place to have

MR. CRADDOCK EBANKS (CONTINUING): something done, and then you go to the Treasury Department to pay for it. I feel, Mr. President, that that should be changed, that should be looked into. If I should go to the Police Department to have my gun licensed, when I get there, there are three or four or a half a dozen people ahead of me, I have to wait my turn. That is perfectly alright, Sir, it is only what is fair. I wait my turn, the details are done, then I am given a certificate to go across to the Treasury Department to pay the $5.00. When I get across to the Treasury Department, there are another four, five, six or ten people in the line - I must wait my turn, which is only fair. I have to go back to the Police Department, and there are another three or four or a dozen ahead of me, and I wait my turn again. Why should any member of the public have to spend an hour or an hour and a half to do fifteen minutes work? I feel that that is unreasonable, Sir. If it is that you have to pay it at the Treasury Department, send the Police over to the Treasury, and let them inspect the guns over there, and not to have the applicant going up and down. The same thing applies to a Police Record. If you go there to get a Police Record you have to go back over there and pay for it, then you have to go back and pick it up. That is unfair, Sir, unfair to human beings, especially working people. It might suit a few people who would not do anything else except do that to get off the Island for a vacation, and I hope that the Third Official Member will try to rectify this and do something else about it.

Mr. President, during the last election much of the campaigning that was done was on swamp lands, the restoration of swamp lands, and we promised, almost assured people, who had been deprived of their land that it would be returned to them, or we would attempt to see that it would be returned to them, and I feel, Sir, on that this thing has dragged long enough. In the Adjudication Law, you had to be in possession of a clear title, or a documentation for twelve years before you could get a clear title to the land. Well, we have cases where they are 50 or 60 years old; the only excuse they could find then was that the document was too old why they took some people's swamp land. So then your documents, I do not know what is the life of them, I hope that will be brought up in the regulations somewhere to define the life of a document, so that people dealing with their land then will know when their documents are of no more value, so they would not be able to hold on to their land.

But I am hoping, Sir, that by the end of this year whether I come back in here or not, that these landowners will have their property restored, whether they bought it, whether they inherited it, or however they got it, and not to let this thing drag on as it has been, because we know, or a few Members know when this was directed by the Member then in charge of lands. So we would like to see this off of the board before election that it does not become one of the items during the next campaign.

I spoke to the Member responsible for Communications, Works and Local Administration a few days ago, having seen that Cable and Wireless on Shedden Road and Eastern Avenue has some spotlights. I do not know what they can really be thinking about for motorists on the roads, because the way that they have these spotlights set up, they are just a hazard, they are just dangerous, because they hit you in the face and you just cannot see where you are going or what is happening next to you. So I am hoping that the Member responsible will get down on these people and see that the focusing of these spotlights are set in different positions, and not directed down the streets as is presently.

Mr. President, I do not think that I will attempt to go on much further as education, health, and all the different things have been so well debated that I will not take up the time in going over some of those same items, but, Sir, I would like to conclude by going back to where I started.

In 1976, when the new Government came into being the country was in the red, and in three and a half years it has been taken out of the red with a reserve of over $5M. We were paying a lease for an airline service that was in the red. Those debts, subject to correction, I think, must have all, just about all been paid off. We have a small national airline with four planes in three and a half years; banks were eager to come to our rescue,

MR. CRADDOCK EBANKS (CONTINUING): to our help -"we will finance". I was talking to a woman a few days ago, a woman I know well, I speak to her and talk to her any time I see her, not politically, but a political question did come up this last time that I saw her. Somebody had given her a small injection and it seemed to be working a little bit. She said, "What worries me are these big debts that our children and grandchildren have to pay". I said, "Well, who should pay it if they are getting the benefit of it? You want to tell me that you would not pay a debt for your child and they get all of the benefit, will not get any of the burden of helping to pay for what they are getting." "Well", she said, "no, I would not say that". "Well", I said, "that is just it then. If they are going to get the good of the service, then there is nothing wrong with them having to help pay for it.".

So, Mr. President, in three and a half years we will have cleaned up..... except the loan that will go on for a number of years yet to pay the interest and pay the loan itself; as one Member referred to it as 'your public debts', is what they are telling the public, 'your public debts', but they do not try to tell them the time that they will be paid off, whether it is 10 years, 20 years, 30 years. But if in three and a half years we were able to clear off most of these debts that have put the country in a safe boat financially, then I do not see, Mr. President, that it should be too much trouble for the public to find out who should represent them in the next election. And I trust, Sir, even though I have been assured through the Press that it is only one Member who will remain, the other eleven will go, I am still looking forward, Sir, that my people will not be dragged off their feet by whims and fancies and that I will be privileged to return and enjoy the hard work that I have always enjoyed being an Elected Member, and while we can boast today with a population of 16,000, no taxes, and a reserve of $5M, you have got to go a long ways to find any other country to boast of similar achievements.

So with those few remarks, Mr. President, I will look forward, as I said, that it should be your turn to address the people again, to hear it, even if I am sitting up there. So it has been a pleasure, Sir, to be here to take a part in your public address on this occasion.

I thank you.

HON. D.H. FOSTER: Mr. President, if you look in the mirror you see a true image or a picture of yourself, and that is exactly what you have done in your Throne Speech, Sir, you have given us a true image or picture of the affairs of our country.

I had not really planned on speaking, Sir, because the Throne Speech was so comprehensive and painted such a good picture that the Members did not find much to criticize this time, so as a result I do not have much to answer, but in addition to congratulating you on this Speech, Sir, and its comprehensiveness, and its accuracy, I would like to pay tribute to Mr. Roy Dunlop, who has left us, who started the broadcasting system from scratch, and who saw it to where a Caymanian is now in charge of it and running it properly. I am proud of Mr. Dunlop, grateful to him and proud of the Caymanian who succeeded him.

I would also like, in addition to what you have said about Mr. McCoy, to pay tribute to him, who has put in upward of 30 years with Government, and who is now on his well-earned vacation prior to his retirement.

Mr. President, also I would like it to go on record, and maybe the Clerk can be instructed to write a letter. Sometime ago, I think all Members received a letter, or a letter was written to the Clerk, (I do not remember exactly which), a letter of appreciation from Mr. Patrick Duff and David Dale, who are no longer in the Commonwealth Office, and I think we should reply to that and express appreciation for their letter and our sincere hope for every success in the jobs that they have gone on to.

HON. D.H. FOSTER (CONTINUING): Mr. Andrew Grieff, our Commissioner of Police is also leaving shortly, Sir, and I would like to take this opportunity to publicly wish him well wherever he goes from here and to say that I feel we are losing a good person, a man who has brought the Police Force from nothing to where it is, and I hope that his successor whoever it might be will be able to do as good a job as he has done.

Mr. President, our country's affairs are in good shape financially, economically, and every other way, we are very stable, I think we should be very cautious to see that it remains that way. It does not take much, Mr. President, for the boom to come to an end and we must be prepared for it, so let everybody be warned that the spicy days can come to an end and we must prepare for them in case they do come.

Mr. President, I would like to say that the affairs as they stand now have been brought about by the hard work of the four Elected Members of Executive Council, who are in charge of portfolios, and I pay tribute to them and indeed the Members of this House for their close co-operation with those Members, and last but not least, Sir, for the hard-working, devoted Civil Service which we have, and to them, these three bodies, I pay tribute and give the praise for the success and the present state of affairs of our country.

Again, Mr. President, in closing I would like to congratulate you, Sir, on the Throne Speech, for its comprehensiveness and everything else, Sir.

HON. V.G. JOHNSON: Mr. President, I would like to join other Members of this Honourable House to pay tribute to your magnificent presentation in the Throne Speech. I am glad that I am not a politician, and I will therefore not have to worry about the coming election in November. I am pretty well assured of my return in this seat, unless you, Sir, say that I am no longer a fit and proper person to sit here, in which case I will be happy to bow and take my well-earned retirement. In any case, Mr. President, even though I may be coming back to the next new session of this Honourable House, I doubt very much I will remain to the end of it, because sometime during the course of that period I will of necessity go on retirement. This is a requirement under the Pensions Law which says that when a public officer reaches the age of 60, he must retire, and he must leave the way open for other young people to succeed him.

Mr. President, your Throne Speech, as I said, was a very magnificent presentation and I can only refer to it as saying that it reveals of the continued march of progress in the Cayman Islands. I agree with what many other Members have said that there is very little that we can find in it to debate, nevertheless, I think it is right and proper for us to express our own views publicly of the various points which you have made in that address. I should say, Mr. President, that the Speech was not intended to win laurels for yourself, although it has won laurels for the people on the Government of these Islands. The address portrayed the country's true position from an economic, social, and political standpoint, it is a statement of facts, it is a statement of significant accomplishments by the Government and people of these Islands.

Mr. President, what has been portrayed in that address, I should say, was always the aim of this country, aim to achieve just what we see there; aim to achieve this year by year, our aim to achieve this in each new session of this Legislative Assembly.

Mr. President, we must always be prepared as Members of this Honourable House to show our skills in building our country so that it can stand the test of time. We must not trade our swans for geese. You know the swan is a very beautiful bird and the goose is not all that attractive, it is far less attractive. Our plans must always be to succeed in whatever venture we take, our country must not be disappointed by our actions; we must seek always, to adopt Benjamin Franklin's secret to success, which was his motto - "Speak ill of no man, and always speak all the good you can of everybody".

We must also bear in mind that to succeed in this world, we must possess the quality to discern traitors and deceivers rather

HON. V.G. JOHNSON (CONTINUING): than endeavouring to discover the clever.

Mr. President, we are at present enjoying a tremendous economic prosperity, we see a promising tourist industry, promising financial operation, we see a booming construction industry, the booming real estate business, the sale of lands are providing much money, money going into the pockets of local people, money which is speculative money by people who own lands in these Islands.

Mr. President, one of the things that struck me sometime ago was whether we should not keep an eye on some of the developments which are taking place here today, and I refer more especially to the land sales, and before I go any further, I would say this that I am not attempting in anyway to deter development in this country, to scare investors, or to create a recession, but I think that in the interest of posterity we should at some stage decide whether the proportion of land in the Cayman Islands which is in the hands of foreign investors is not exceeding an undesirable limit. We have our children's children's interests and I think it must be our interest, there is nobody else to assume that. I am not saying that it is something which we must rush headlong into examining, but I think it would be prudent in the march of time for us to bear these points in mind.

I am not certain, Mr. President, what proportion is at present in the hands of foreign investors. I know that the sale of land is of tremendous benefit to the development we see here today, and I dare say that it would not be in the best interest to place any restrictions on what is going on today.

Quite recently we heard of a neighbouring tax haven that imposed restrictions on land sales and even the lease of land to foreign investors and this is causing quite a lot of concern in that country. Perhaps they have gone about introducing the discussion, or the plan in an unacceptable manner without strategy, and that is something that we would not want to happen here. Most of the countries of the world today, Mr. President, take steps to control land sales, land ownership; it is the view in many countries that foreign investors can operate quite effectively by long-term lease on property.

Much criticisms were levied at the Government's action some years ago to lease a piece of beach land along the Seven Mile Beach, but I think today, Mr. President, we can perhaps see some of the wisdom in this because at least Caymanians can walk by and look at the land and say that it is still the property of the Cayman Islands. This is what happens when property is leased and not sold outright, it still belongs to the country, and I dare say it provides some form of interest to posterity.

As I said, Mr. President, I am not trying to create an alarm, but I thought that in passing that it might be well to mention this particular subject which I have given thought to many times. The fact is, many visitors coming here have posed the question whether we have taken time to look into this. We are exposed and in direct contact, with perhaps one of the wealthiest areas of the United States - people could come here, there are people sufficiently wealthy who could perhaps buy all of the Cayman Islands all at one time. I hope, as I said, Mr. President, that this is taken in the right spirit and is not misconstrued, and that we do not jump to the wrong conclusion.

Speaking about jumping to the wrong conclusion, an aviation instructor was once lecturing on parachute work and at the end of his lecture he said, "Well gentlemen, if a parachute does not open when you jump, that is what we refer to as jumping to conclusion". There is another story which said that "I had a little dog, I called him August. August was fond at jumping at conclusions, especially the wrong conclusion: one day he jumped at a mule's conclusion, on the following day, it was the first of September". I do hope that we do not allow conclusions to run away with us.

Mr. President, I cannot help but comment on a subject which was touched on by many, that is, condominiums versus hotels. There was a suggestion that Government should restrict condominiums and encourage large hotels, because hotels employ more people. Well, Mr. President, I think that what we must do first of all is to decide on what economic growth we want in the country. I should think that the market should not be flooded, nor the services of the country pressurized by growth. Growth must be in accordance with what resources are available to encourage, foster, and promote acceptable

HON. V.G. JOHNSON (CONTINUING): development, and development in the right direction, and here we should say that resources should include the human resources, that is, labour.

If we allow rapid development to take place this can upset the social balance of any society, especially in a situation like ours where there is a full employment situation, importation of labour is certainly one of the things that could create social imbalance. Secondly, when we promote the hotel industry the labour must be found to operate that hotel, and here I am not condemning the hotel, because I agree that there is the need for a reasonable size good hotel. We have been advocating this for a long time, and as yet it has not come on stream. Mr. President, the thing is that people these days, that is, investors are not very interested in hotel development, they are more interested in condominium development, because that form of development is more attractive financially to them.

Naturally, if I was investing money today I would like to know that my investment would fetch reasonable return within a resaonable time, and this is the problem today with investors. Hotel is a long route and there is no certainty as to its financial viability, and so investors are taking the shorter course to go into condominium development. Well, Mr. President, the next question is, what is wrong with condominium development? You cannot get the hotel rooms, then the next best are the units of the condominium which have been playing a very significant part in accommodating tourists in this very season.

I believe, or it is my own opinion that the condominium development is quite attractive, it has its many advantages, it provides a direct income to Government in the form of stamp duty on the purchase of land and on the sale of the unit. Secondly, the units change hands frequently, and again Government earns revenue from this changing of hands. It is a very attractive form of development and it is very conducive to the environment of the area in which they are built, and as I said before they provide reasonable accommodation for tourists.

In a full employment situation such as what we have today, Mr. Presdient, condominiums are perhaps the ideal development, because it is not a labour intensive operation, while at the same time they pay very attractive wages to employees, they contribute largely to the construction industry, which is one of the big employers in the country today. Last, but not least, they inject much indirect benefit to the economy. And, so I would say, Mr. President, that if we wish growth and development to continue in the country, we must accept what is economically feasible and attractive to investors. I see no valid reason why we should not continue to accept and to encourage condominium development, it is clean, healthy, and good for the country.

Mr. President, mention was made that a department could not function too well, because apparently funds were limited, in other words, the amount of funds approved in this year's Estimates are limited to what the department can do. I would only like to clarify that and to say to Members that there is a standard procedure where budgeting is concerned. The departments first of all make recommendations for the ensuing year's estimates these are examined by the Principal Secretary, the Member for the portfolio, and it is usually at that time that the portfolio makes recommendations for any new development, or new proposal for the ensuing year. And so, if funds are limited to any of the departments it is perhaps the result of policies laid down by the Member, or the portfolio, as far as that department is concerned. Naturally, if the end product from an operation is not attractive and there is no indication that this position will improve, then it might not be prudent to place more funds at the disposal of the department.

Mr. President, I would like to just say a word on exchange control. We have given the third reading to the repealing of The Exchange Control Law, which in my view is a great step taken by the Cayman Islands in abolishing exchange control. I understand that many people are not too conversant with the implication and really what this means. I intend, Mr. President, when you give your assent to the repeal Law that I will

HON. V.G. JOHNSON (CONTINUING): prepare a message to the people of the Cayman Islands to be published in the Press, and to explain what it all means so that there will be no doubt in the minds of the people as to exactly what is meant by the abolishing of exchange control, but in the interim I would just like to say that the removal of that restriction, the removal of exchange control from the Cayman Islands, means that every native resident or visitor in the Islands is free to use his or her money in the manner that they care to, there is absolutely no restriction on the use of money. People who have funds in a foreign currency, United States dollar or any other currency may retain these in accounts in the bank, or in safe-keeping in their home, they do not have to convert these funds to local currency. On the other hand people with local currency may convert these into any foreign currency they wish, they may use it for investment abroad, for banking abroad, or for any purpose for which they need to use these funds. So the removal of exchange control from the Cayman Islands means that the entire wealth of the Cayman Islands is free from any form of restriction.

Mr. President, much has been said about the progress of the country, economic development, growth in all areas, and I think we have all understood this quite well. We are happy for the country in this respect, we are happy for the Government who is coming to the end of their four-year administration, they have quite a lot to be proud of, and I think the Cayman Islands as a whole has much to be thankful for.

I would like to end in thanking all Members of the Legislative Assembly, all Members of Executive Council for their help and support in the administration of the financial affairs of the country. Without their strong support and assistance the country's finances would not be in this very strong and enviable position.

Thank you, Sir.

HON. JAMES M. BODDEN: Mr. President, mine will be very short. I know it is customary for us to close at 1:00 p.m. and I will be speaking if the Members will crave my indulgence for about five minutes, Sir.

Mr. President, I too, would like to add words of praise to you in the preparation of that Speech because I know that it must have taken you a lot of time. It was well put together and it was well delivered, and I personally am very thankful that you are still at the wheel. Hopefully you will be with us again for the Throne Speech next year, and hopefully even after that, you have been in my estimation, a very good Captain.

I would like to turn to the last part of your Speech for my comment, Sir, and I am very proud to know that the country has gotten to the position where we are now masters of our financial house. It does put a grave responsibility on the shoulders of the people of this country, because now we must stand on our own, we must remember that we are not able to take advantage of many of the soft loans that are available to other countries. Other countries, Mr. President, cry out for freedom, but they have never mastered the freedom from want, and thank God, I think we have come to that point. In getting to that point it has taken many years, much hard work by many people, and I would ask that on behalf of the people of this country, that you would give a vote of thanks to the Mother Country for the aid that she has given to us over the past years.

I had prepared a fair amount to speak on, but it is no use of me repeating what the other Members have said, the whole country knows the financial condition of it today and I think everyone can see the prosperity that we are enjoying.

I am very proud to know that the Second Elected Member from Cayman Brac has decided that he will stand for re-election again; we have made a very good team together, and I would have been very let down and I know the other Members would have been if he had decided to pull out, however, I am glad that he has seen the wisdom to continue. I can only say that at this point Haig and myself cannot say the same thing, because we have not yet been touched, we are waiting to be touched.

Mr. President, history repeats itself, the Census reveals that Bodden Town has come into the forefront again, has exceeded the

HON. JAMES M. BODDEN (CONTINUING): number of households in West Bay, and hopefully by 1990, it can exceed George Town, and by the year 2000, it can once again be the Capital of the Island.

Mr. President, one alarming thing now, and that is the results of drug addiction in our country, it is very alarming when we think of a small place like this with 120 drug arrests last year. Where this hurts is in the youth, the people who must take these seats after we vacate them, and, Mr. President, should Haig and myself be touched and return to the House, God's willing, I am hoping that the next Assembly will even be tougher in regards to the Misuse of Drugs Law than we have been in the past, but then whenwe put them on the statute books, I hope and pray that the police and the judiciary and everybody involved will carry them out to the fullest.

We have come to the place where it is very important that our police realize what rests on their shoulders also, because administering justice in a country of this size is not an easy task.

Mr. President, I join with most of the Members in what they have said, and one thing that does upset me is the manner in which the Civil Service thought it could put a gun at the head of this Government. I hope that is behind us, I hope that no one has that idea for the future, because a confrontation is a very bad thing, and confrontation we can easily have. They must remember that when we vote an increase in salaries we are dealing with the people's money, their money as well as the other people in this country, and I give praise to the Civil Service of this country in some respects, Sir, I think we have a very loyal and dedicated group with the exception of those who have recently crept into it and believe that the world owes them a living. They believe that the only thing that they must do is to keep a seat warm, and the only thing is to be able to say that they are a Civil Servant and get paid. That is the wrong attitude.

We believe that people should be well paid and we believe that they should get their just rewards, but we also believe that they should work for it, and that promotion should come by merit, promotion should not come strictly by longevity, and we believe that the present conditions for the Civil Service are nearly as good as what they would be in the private sector.

Tourism, Mr. President, has not been just a haphazard affair, the prosperity that the country has been profiting from that today has been a lot of work. There have been a lot of criticisms levelled at the Cayman Islands New Bureau, but those people are talking out of their hats as they usually do, because they do not realize the work of the News Bureau. The advertising that we have gotten through that source this country could never afford to buy, because you can pick up a lot of magazines from abroad today, and newspapers, and there you will see full page spreads on the Cayman Islands. We recently had a supplement done in Rome, Italy, it was about 20 pages, I think; we could not have bought that and this is where the News Bureau works. I would have liked to have gone to a long dissertation on this, but I will wait, God's willing, until a later date because I am sure they will give me the opportunity again to speak on it.

I would like to touch on one minor criticism that was levelled against my portfolio, and that was in regards to a flight by a DC-3 not being allowed to operate in these Islands. Mr. President, one of these days, may be this House and this country will both become aware of the story surrounding the Red Carpet grounding, I am not the one who is prepared to give it, but may be it will come out. There has been no ulterior motives to hurt Cayman Brac or Little Cayman by this Legislative Assembly, or these Members on this side of the House here, Sir. My colleague from Bodden Town and myself when we first entered this Assembly in 1972, one of the first things we did was to put forward a motion asking for help for those Islands. We have constantly worked at that, we have constantly worked with the Member here to see that those Islands got everything that they could get, we did not wait for someone to prog us on it, we had made the moves ourselves, we have championed the cause for those two Islands. And the records for the past

HON. JAMES M. BODDEN (CONTINUING): four years can prove that per capita much more has been spent in those Islands than what has been spent in this country. I was a part of that decision, Mr. President, because the Director of Civil Aviation called me and told me he had had a call from the brother to the First Elected Member of Cayman Brac, who supposedly owns Red Carpet, to allow this DC-3 plane to come in over the weekend and make the two trips and then it would leave, and then we would go back to Executive Air Services.

Mr. President, I did not think that was right to Executive Air Services, I did not think it was right to the country, because at that point the Government as you well know was paying all of the expenses to keep that operation going, and if they were going to enjoy the lucrative business, then they must take some of the bad business days too and that is why that decision was made. I do not take it back, I stand behind it, and if the occasion comes up again I will make a similar decision. There has never been an ulterior reason for me to do anything against those Islands, or against its people, or against the people of this country.

In regards to the air traffic controller, Mr. President, I wish we could find them, but we are experiencing the same difficulty that every country in the world today nearly is experiencing, they are hard to find. Last year we were able to get scholarships for two, and we could not find a Caymanian youth who was qualified that would go for the job and be trained. This year we have found three who are qualified and who are willing to go, and we can find no school that will take them in unless it is in England, and to send them to England at this point is going to be very, very expensive, but you have my assurance that if it means sending them to England to get them trained, then I will come back here and ask you for the money, to agree to it for me to do it.

Some words were said here in the House awhile ago, Mr. President, that if allowed to go unrefuted, could be in my estimation, politically damaging to the country, similar to a statement that we made some years ago concerning land tax. This Government that you have today in this country is not a Government that believes in restrictions, restrictions, restrictions. When we took the green ribbon off of the Planning Law and changed it and put in the one we have today, we decided to go on the course that we are embarked on already, and we have to follow it, we are committed to that. I agree leasing is good, Mr. President, but we also know the effects of leasing.

Government had a lot of land on the West Bay Beach, 1500 feet of that, approximately, has been leased as well as hundreds of acres from the main road back to the North Sound for £100. 0. 0. per year, this was done about 20 years ago. There is another 70 years to go on that, what is going to be there in 70 years, and which ones of us are going to be around to say you are getting it back into the Treasury? It is a good thing to know eventually it will be coming back, but that land is changing hands today at $6,000 or $7,000 per foot, and we are getting £100. 0. 0. per year for it. A similar thing happened with another piece down there by the Government beach, and a little bit more and we would have even lost may be the beach itself there, so if we are going to lease, it is alright, but let us be careful how we lease. We have been trying for three and a half years to get out of the Finance Department an economic plan, and yet with all the expertise available to that Department, we have not yet gotten that, and what we have been operating on are the things that we have been able to do ourselves.

Mr. President, as long as the four of us are in this cabinet, and have the confidence that I think we have of the Members on that other side of the House, what was mooted in this House a few minutes ago is a political decision, and it will be made, if it is ever to be made, it will be made by the political side of the House. We are not about, Sir, and I am not saying this because I am a real estate broker, because I know that is what I will be pinned with, I do not care, but before we embark on a move to restrict anything more in this country, let us remember what the restrictions that were put on this country in the past administration between 1972 and 1976 did to it before we put them on.

Thank you, Mr. President.

MR. PRESIDENT: If there are no further speakers, I will put the question. The question is that this House begs leave to give thanks to the Governor for the gracious Speech given on Thursday, the 13th of March.

I will put the question. Will those in favour please say Aye? Those against No? The Ayes have it.

ADJOURNMENT

HON. D.H. FOSTER: Mr. President, I move the adjournment of this House sine die.

MR. PRESIDENT: The question is that this House do now adjourn. Before I put the question I would like to thank on behalf of the House, the Clerk's office for the usual service during the meeting, and Members for their good humour and a memorable debate.

QUESTION PUT: AGREED. AT 1.20 P.M. THE HOUSE ADJOURNED SINE DIE.

SECOND MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON THURSDAY, 19th JUNE, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL C.M.G. - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V. G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. JOHN GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN V. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
* *MR. GEORGE C. SMITH*	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. K.P.TIBBETTS, SR., J.P.	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
* *MR. CRADDOCK EBANKS, J.P.*	*MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

* *ABSENT IN THE P.M.*

ORDERS OF THE DAY

SECOND MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY
THURSDAY, 19TH JUNE, 1980

1. *PRAYERS BY THE REV. RALPH PICKERING.*

2. *QUESTIONS:-*

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

NO. 23: Will the Member set out Government's policy concerning persons applying for Caymanian status which has been denied and who at the time of application are holders of Gainful Occupation Licenses (Work Permits)?

NO. 24: In a recent case in Court certain exhibits were reported lost or could not be found at the time of the hearing. Will the Member make a statement?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE JAMES M. BODDEN, MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 25: RE: CAYMAN AIRWAYS, LIMITED

WILL THE MEMBER STATE

(a) if there are any amounts outstanding for passages or freight on Cayman Airways aircraft?

(b) what is the outstanding amount on the repayment to the Royal Bank of Canada for principal and interest on loans guaranteed by the Government for Cayman Airways, Limited?

(c) whether any amounts are outstanding on the purchase of aircrafts owned and operated by Cayman Airways, Limited?

3. *(a) REPORTS OF THE FINANCE COMMITTEE HELD ON*
THE 31ST MARCH, 1980 AND
THE 9TH MAY, 1980 - TO BE TABLED BY THE HONOURABLE V.G. JOHNSON, C.B.E., J.P., THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY.

ADOPTION OF COMMITTEE REPORTS.

(b) REPORT OF THE CAYMAN ISLANDS POLICE FORCE 1979 - TO BE TABLED BY THE HONOURABLE D.H. FOSTER, M.B.E., J.P., FIRST OFFICIAL MEMBER.

4. *STATEMENT BY THE HONOURABLE D.H. FOSTER, M.B.E., J.P., FIRST OFFICIAL MEMBER AND CHIEF SECRETARY - RE: GENERAL ELECTIONS, 1980.*

5. *GOVERNMENT BUSINESS:-*

(i) BILLS:

(a) The Public Buildings (Insurance) (Repeal) Law, 1980 FIRST AND SECOND READINGS

(b) The Public Launches and Boats (Insurance) (Repeal) Law, 1980 FIRST AND SECOND READINGS

(c) The Pensions (Amendment) Law, 1980 FIRST AND SECOND READINGS

(ii) GOVERNMENT MOTIONS:-

(a) GOVERNMENT MOTION NO. 5 - SUPPLEMENTARY EXPENDITURE - TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, C.B.E., J.P., THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY

(b) GOVERNMENT MOTION NO. 6 - SWAMP LANDS - TO BE MOVED BY THE HONOURABLE G. HAIG BODDEN.

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THURSDAY, 19TH JUNE, 1980

10:00 A.M.

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

PRAYERS

REV. RALPH PICKERING: Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour, and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

All this we ask for Thy great Name's sake in the Name of Jesus Christ, who teaches us when we pray to say:

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

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

MR. PRESIDENT: Please be seated.

Proceed with questions.

QUESTIONS

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

NO. 23: Will the Member set out Government's policy concerning persons applying for Caymanian status which has been denied and who at the time of application are holders of Gainful Occupation Licenses (Work Permits)?

ANSWER: There is no set policy and each case is decided by the Board in its discretion acting on the principles set out in the Law and the facts of the particular case.

MISS ANNIE HULDAH BODDEN: Mr. President, respectfully, I cannot accept that answer because I know otherwise. In most instances it depends on who is who to get what is what.

MR. PRESIDENT: I will remind Honourable Members that question time is for asking questions and not for making statements.

Proceed with next question.

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER, RESPONSIBLE FOR LEGAL AFFAIRS

NO. 24: *In a recent case in Court certain exhibits were reported lost or could not be found at the time of the hearing. Will the Member make a statement?*

ANSWER: *It is true that immediately before the opening of sittings of the Grand Court in March of this year certain exhibits in a criminal case set down for hearing at those sittings could not be found.*
A search was carried out and the missing exhibits, with the exception of two pieces of glass, were found. The pieces of glass were too large to have been locked away in the Court safe as is usual with exhibits and the Court authorities believe that they were discarded accidentally.
The loss of the exhibits did not affect the course of the trial or its outcome.
The loss was reported to the Police at the time and special steps have been taken to ensure the safe custody of large exhibits in future.

MR. PRESIDENT: *If there are no supplementaries, we can proceed to the next question.*

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE JAMES M. BODDEN, MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 25: *RE: CAYMAN AIRWAYS, LIMITED*

WILL THE MEMBER STATE

(a) *if there are any amounts outstanding for passages or freight on Cayman Airways aircraft?*

(b) *what is the outstanding amount on the repayment to the Royal Bank of Canada for principal and interest on loans guaranteed by the Government for Cayman Airways, Limited?*

(c) *whether any amounts are outstanding on the purchase of aircraft owned and operated by Cayman Airways, Limited?*

ANSWER: *(a)* *Cayman Airways, Limited as is the case with nearly every business, offers normal credit terms to its customers and therefore there are accounts outstanding for tickets and cargo. These accounts are normally billed and settled on a monthly basis.*

(b) *The principal amount outstanding on the loan from the Royal Bank of Canada is US$10 million. The first repayment on principal is due in November, 1980. The first payment on interest was made in May of this year in the amount of US$700,000.00. The next interest and principal payment is due in November, 1980.*

(c) *No amounts are outstanding on the passenger aircraft. The purchase price of these are now represented by the loan referred to in question (b). The cargo aircraft is being acquired on a lease-purchase basis for which monthly payments are made. The final payment is due in another three and one-half years, at which time the aircraft will be owned by the company.*

MR. PRESIDENT: *If there are no supplementaries, we can take question time to be closed.*

REPORTS OF THE FINANCE COMMITTEE HELD ON
(1) THE 31ST MARCH, 1980 AND
(2) THE 9TH MAY, 1980 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable House two Reports submitted by the Finance Committee for meetings held on the 31st of March, 1980 and on the 9th of May, 1980.

Mr. President, at the meeting held on the 31st of March, 1980, supplementaries amounting to $759,243 were presented for consideration. Included in this figure was a sum of CI$173,500, representing re-votes for ongoing projects from 1979. Other amounts also related to projects approved, but which had not yet been implemented, and of course there were the usual small supplementary applications for recurrent expenditure. Finance Committee examined these and accepted the applications and recommended that the proposals be put to the Legislative Assembly in the form of a resolution for formal approval. The resolution will follow at this meeting.

The meeting which was held on the 9th of May, 1980 was to consider a proposal by Government for financial assistance to Cayman Airways, Limited, and this was in the form of purchasing equity in the airline to provide funds to meet certain liabilities. These liabilities related to interest due on the loan by the Company, and so the matter was considered by Executive Council and the Finance Committee, and also approved. The latter is to be presented at a later stage in the form of a motion to authorize the expenditure involved. The expenditure is to buy a number of shares in the airline; the number of shares are, of course, 208,335 at CI$2.00 each which amounts to CI$416,670. And, Mr. President, the matter can be debated further when the motion is presented to cover the expenditure recommended, if this is desired.

I therefore move for the adoption of the Reports at this stage.

MR. PRESIDENT: The Reports of the Finance Committee dated the 31st March, 1980 and the 9th May, 1980 are ordered to be laid on the Table.

QUESTION PUT: AGREED. THE COMMITTEE'S REPORTS WERE ADOPTED.

REPORT OF THE CAYMAN ISLANDS POLICE FORCE, 1979 - LAID ON THE TABLE

HON. D.H. FOSTER: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Cayman Islands Police Force, 1979.

MR. PRISIDENT: So ordered.

STATEMENT BY THE HONOURABLE D.H. FOSTER, M.B.E., J.P., FIRST OFFICIAL MEMBER AND CHIEF SECRETARY - RE: GENERAL ELECTIONS, 1980

HON. D.H. FOSTER: Mr. President, as the Member responsible for Elections I would like to inform this Honourable House of what has been done to date.

On the 12th June, 1980 the Preliminary list of Voters was published and today is the last day of notice for objections. The timetable to 1st September was published in Gazette No. 1 on Monday, 14th January, 1980, the remaining portion of which I will now repeat:-

23rd June	-	Last day for claims.
25th June	-	Preparation and publication of claims and objections.
26th June	-	Publication of Notice of date of revision lists.

7th July	-	Sitting for revision of lists.
15th July	-	End of period for revision of lists.
1st September	-	Coming into force of Register of Voters.

In addition I would like to inform the Honourable Members of the timetable for the period leading up to Election day:-

1st September	-	Issue of Writs.
2nd September	-	Notice of nomination.
17th September	-	Dissolution of the Assembly.
19th September	-	Proclamation issued declaring General Elections.
26th September	-	Nomination Day.
12th November	-	Election Day.
14th November	-	Election Returns to Supervisor.
19th November	-	First meetin of Legislative Assembly to elect Members of Executive Council.

MR. PRESIDENT: I think I had better interject here that on a statement by an Official Member no debate is permitted under Standing Order 30, but any short questions are permissible to elucidate the statement if any Member has any point to make.

If there are no questions, we can.....

HON. D. H. FOSTER: I was just thinking, Mr. President, if it would be of any use to Members I could circulate copies of the statement to them if they have not already got it.

MR. CRADDOCK EBANKS: Mr. President, I have not got any, and I would appreciate that.

MR. PRESIDENT: I will ask the Clerk to circulate copies of the statement to all Members before the House rises.

We can proceed to the next item of business.

THE PUBLIC BUILDINGS (INSURANCE) (REPEAL) LAW, 1980

THE PUBLIC LAUNCHES AND BOATS (INSURANCE) (REPEAL) LAW, 1980

WITHDRAWAL OF BILLS - STANDING ORDER 58

HON. V. G. JOHNSON: Mr. President, under the provisions of Standing Order 58, I beg to withdraw two Bills from the Business Paper of this meeting. They are The Public Buildings (Insurance) (Repeal) Law, 1980 and The Public Launches and Boats (Insurance) (Repeal) Law, 1980.

Mr. President, the reason for withdrawing these Bills is that we would like to re-examine the proposals in light of developments which have arisen since the matters were first considered.

MR. PRESIDENT: I take it that the Honourable Member is moving a motion for withdrawal under Standing Order 58.

HON. V. G. JOHNSON: Yes, Mr. President.

MR. PRESIDENT: The question is that the two Bills - The Public Buildings (Insurance) (Repeal) Law, 1980 and The Public Launches and Boats (Insurance) (Repeal) Law, 1980 be withdrawn. 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?

QUESTION PUT: AGREED. BILLS ACCORDINGLY WITHDRAWN.

THE PENSIONS (AMENDMENT) LAW, 1980

FIRST READING

CLERK: The Pensions (Amendment) Law, 1980.

MR. PRESIDENT: A Bill intituled "The Pensions (Amendment) Law, 1980" is deemed to have been read the first time and is set down for second reading.

SECOND READING

CLERK: The Pensions (Amendment) Law, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the second reading of a Bill entitled "The Pensions (Amendment) Law, 1980".

Mr. President, the reason for this amendment to The Pensions Law is to provide payment of pensions to dependents of pensionable officers and pensioners. Under the present Law, as it stands, an officer who is appointed to the permanent and pensionable establishment is entitled to a pension on retirement. The normal retirement age is sixty years under the Law but an officer may elect to retire at the age of fifty-five years if he so wishes, and if Government is in agreement to approve of the retirement at that age.

Mr. President, if an officer dies while he is serving in Government, his beneficiaries, that is, dependents are entitled to one year's salary, salary which is equivalent to what the officer drew at the time of his death. If a person is retired and is a pensioner and he dies, his pension ceases.

In these two circumstances, Mr. President, it has always been felt in the Civil Service that the families of these officers are left to the mercy of the outside world when their only source of income is cut short. We have had a number of such cases in this service in the past where the wife and the children of the pensioner, or the officer who dies in the service were left without any source of income. And the reason for this amendment which is in conjunction with the Hall's Report is to provide some financial assistance to the dependents of these persons - (serving officer or a pensioner) if he dies in the service, or dies as a pensioner.

The Law, that is, the Amendment Law, which is being presented, Mr. President, states that an officer who has completed at least ten years of pensionable service and dies while serving, or if a pensioner dies, that the wife would be entitled to the equivalent of half of the pension paid to the officer. The other half would be distributed to the children of the officer, one-third to each of the first three children, and if the number exceeds three, then the half pension would be divided equally among the children.

Mr. President, this will provide some security and benefits to the dependents of serving officers or pensioners if they die. And the proposal here is not singular to the Cayman Islands, the same arrangements apply in Bermuda where the Civil Service is guaranteed this sort of arrangement for continuing pension to be paid to the wife and children of either serving officers or pensioners.

Mr. President, the proposal is viewed as one that would improve staff conditions in the Civil Service, in fact in the Salaries Commissioner's examination of salaries and conditions of service, he saw this as one of the avenues which would improve conditions within the service, and so he recommended the arrangement.

It would tend, Mr. President, to relieve and remove financial tensions and pressures from officers, especially those who are nearing retirement age, because at least they would know that if anything happened to them, that is, if they died even before they drew a pension

HON. V.G. JOHNSON (CONTINUING): that their dependents, relatives, would be compensated in this manner.

Mr. President, the financial involvement in this proposal is not all that great. It is difficult to assess at this particular stage but rough estimates indicate that it would not increase the present level of pensions paid to officers beyond something in the vicinity of 10%. At the same time, Mr. President, this would certainly be no loss to Government, because in the package deal for the benefits which would accrue by the introduction of this Bill, any new entrant to the service on the coming into effect of this Bill as Law would not receive the same level of pension as the present serving officers. In other words, a compromise had been reached where the constant of one six-hundredths has been reduced to one seven-hundred-and-twentieths, in other words by calculating the pension of the constant of one seven-hundred-and-twenty, the person would perhaps receive approximately 15% to 16% less pension calculating it at maximum benefits.

And so we see that the benefit to Government in this package would counterbalance the benefit to the officers from the introduction of this Law, and I would therefore say that the Government will lose nothing by introducing this special arrangement for the dependents of serving officers and pensioners.

The Bill is set out in detail. It will be seen that if the wife of a deceased serving officer or pensioner remarries that she would not be entitled to benefits under this Law and the children on attaining the age of eighteen years would not be eligible either. It also provides the benefit to the children of a serving female officer, provided she dies without a husband.

I would recommend the Bill to Honourable Members. As I said before, it is seen to be a proposal to improve staff conditions within the Civil Service, and seeing that it will not impose any financial strain on Government, I think it would be quite acceptable in the circumstances. I therefore recommend the Bill to Members and ask for your support.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE HULDAH BODDEN: Mr. President, I rise to support this Bill, I feel that it is long overdue. Afterall, Mr. President, you could better carry on this Government without 12 Legislators, but you cannot carry on the Government without Civil Servants. And while I suppose they will get a lot of criticisms and findfaulting, nevertheless, the success of this Government up-to-date has depended on good Civil Servants, but a lot of the people who serve this country are servants, but they are not civil. But I must say, Sir, that from the time I can recall, and that was when I was sixteen years of age, up to this time we have had some of the Cayman's best men in our Civil Service. And I feel, Sir, that when they depart and go, I hope to the better world, they must die, some of them very frustrated, because in olden times, Sir, there certainly was not any money left for anybody to take anything from.

A man like the Clerk of Courts was paid a measly sum of six pounds (£6. 0. 0.) per month, and that was increased in later years, I think, during the war to twelve pounds (£12. 0. 0.). They certainly did not have any money to leave to their wife or children. If any of them were smart enough, (and we had some good smart men) that they could buy a little land in those days for ten shillings (10/-) or a pound (£1. 0. 0.) or so, they had what those people enjoy today, but any money they got from the Government was nil.

Now I am very happy to see this Bill being introduced, and I am more than happy that it includes illegitimate children, because, Mr. President, from the time that I have been in this House I fought these 11 men when it comes on the matter of illegitimate children being taken care of. I feel, Sir, that while they can inherit what their mother may have to leave they get absolutely nothing from their father, and I feel that this Bill at least makes that provision.

MISS ANNIE HULDAH BODDEN (CONTINUING): Now an adopted child recognized by Law, and then these step-children or an illegitimate child wholly or mainly dependent upon the deceased pensioner or officer. Well, Mr. President, unfortunately, most of these men who had illegitimate children in the past (and I suppose the same still exists) they are disowned. I remember in this Assembly once, making such a suggestion and a very honourable man said to me, "You are trying to destroy the sanctity of marriage". I said, "It is you who produce what they call illegitimate children are destroying marriage, not me, I am trying to protect unprotected children". And, Mr. President, I feel that our Government should do everything possible to keep the Civil Servants happy, provided they are doing a good job, and most of them are. I feel that it is a disgrace for politicians to interfere with Civil Servants or the administration of justice regardless of who they are, past, present or future. And now that we shall have this Bill made into Law (I hope), it is a very good idea on our part to take care of these Civil Servants, and I must say, I congratulate whoever thought of it.

Thank you, Sir.

HON. G. HAIG BODDEN: Mr. President, I support the Bill. In supporting it I must say that I have been shocked by some of the statements made in this Chamber. I agree that the country cannot function without its Civil Service, but I feel that the politicians are a vital part of the country. Cayman would not be the country it is if it had not been for the foresight and for the dedication of its politicians, both past and present, and I take affront to the suggestion that we could get along without the Elected Members. This country has had Elected politicians from as far back as 1832, so have many other countries. And it has been shown that the countries that believed they could get along without the electorate and the people elected to public office have gone to destruction, and an Elected Member of this Legislature holds a very sacred trust and an honoured position in this Island, a position which we as politicians must not allow to be abused, a position that we must not let fall into disgrace.

And I feel, that as an Elected Member of this Government any Member can be proud that he is elected, and he does not have to take a back seat. And I am disgusted with hearing references that politicians are interfering with the system of justice, or even with the Civil Service. The politician under our Constitution, or the Elected Member as he is so called in the Constitution has a clearly defined role to play in the development of this country and in its proper administration, whether it be executive or otherwise. And while they know the Constitution gives unto the Governor certain powers, which are separated from the powers of the Elected Members, nevertheless, a very significant role is set aside for the Elected Members, and the day that anybody loses sight of this we are on a downward path. And I will not contribute towards any declaration that seeks to belittle the stature of the Elected Members, because once you are elected it means that the majority of the people in your constitutency believe that you are by far the most suitable person to hold a seat, and whether minority groups agree or not, once you are elected like the Bible said of Saul, "You are God's anointed" as far as the people are concerned and this cannot change, and I will not allow any disintergration of the role we play.

The amendment to The Pensions Law seeks to provide as was so clearly outlined by the Member presenting the Bill for a pension to be paid to the surviving partner or children of a deceased pensioner who died himself, or herself, being survived by a wife, husband or children. I fully support this, it is very necessary.

The statistics on the aged with regards to their ability to provide for themselves is very dismal; it is a fact that only about five out of every one hundred people who reach the age of sixty-five are still able to provide in a comfortable manner for themselves. This is a regretted fact, it is a fact that is universal, not only in Cayman are the aged unable to provide for themselves, but it seems to be the way with all humanity. It is a regrettable thing that at sixty-five years a man has less money in his

HON. G. HAIG BODDEN (CONTINUING): pocket than he had when he was twenty-five years, despite the fact that he has had forty years to work and provide for his old age, but human nature being what it is, man is not able to save money and keep it saved. Anybody can save money, anybody can work for money, anybody can put it in the bank, but the percentage is very small that can put it there and keep it there. And so we find when a man reaches his declining years the stark fact is, that he himself by his own provision is not able to provide for his daily needs, he is plagued with the sickness that comes with old age, he is plagued with his inability to do hard work and finds himself with his pocketbook empty, and it is only by means of pension or other systematic savings plan that the average person above the age of sixty-five has a guaranteed three meals per day on the table.

The Civil Service provides a pension for its workers who reach retirement, and this is good. Government's pensions in Cayman are structured in a different manner than most pension plans where the worker contributes, and so has his own contribution as well as those provided for by his employer. And it is perhaps because of this difference in the structure why the old Pensions Law which we are now reviewing did not make provision for a pensioner if he died at an age before the pension was due, or if he died shortly after starting to receive the pension, or if he left close dependent relatives who would miss the pension that he had been enjoying himself.

If one looks around, and I am not going to cite individual cases, but if one looks around, it is not difficult to find the wives of male pensioners who have died in the Government service. Some of these people are experiencing financial difficulties because most women believe and rightly so, that the husband will provide, not realizing that statistics are against it. Someone said that men are luckier than women, because a man tends to marry later in life than a woman, and he dies earlier, but the plain facts are that women, particularly married women, live longer than their husbands. These are world-wide statistics and the average life span of a woman exceeds that of a man, and the result is that we find over the age of sixty-five more women alive than men in any given society. There are twice as many widows as there are widowers, whatever may be the reason, this is a fact.

Lately the medical authorities have come to realize some of the reasons for this situation. Perhaps it may be that the man who is charged with going out and putting up with all the hustle and bustle of earning a living, destroys himself in his quest for security and in his quest for providing a living for the woman who, while she may work at home, perhaps harder than the husband, does not have to put up with the excitement and the horror of the outside world, and does not have the strain, and we find that more men suffer from heart attacks, more men die from high blood pressure than women.

And so this amendment to the Pensions Law will be one means of providing the survivor of pensioners with some means of continuing the existance which they had known and which the deceased partner had given with the receipt of his pension pay cheque. The provision in the Bill is that if a pensioner dies the surviving partner will receive a pension - if he is a male pensioner, his survivor will receive one-half of his pension. If he leaves children who had been dependent on him and were under the age of eighteen years, they would receive some benefits, and also if a female pensioner dies and had left dependents who were dependent upon her, they too would receive some benefit.

This is an excellent provision, I think it is a provision that the Civil Service will welcome, it is a provision that they will enjoy, if not now, in the later years when it comes into play, and I think it is a credit to the present Government that they are able to provide such a benefit. It has come at perhaps the most opportune time in the history of these Islands, it has come at a time when whatever additional costs there may be to Government, it can be paid for; it has come at a time when there is a surplus revenue, it has come at a time when the Government is able to meet all its commitments in salaries and in fringe benefits to the Civil Service.

HON. G. HAIG BODDEN (CONTINUING): And perhaps it has come at a time when the Civil Service itself has received in recent months a considerable boost to the salaries which they had hitherto enjoyed. But one thing that does not change is the character of man, and the human race is the same today in many respects as it was at the time of creation. The more money a man makes, the more he spends - the fact that today's Civil Servant like any other worker takes home a better pay cheque than he did many years ago, does not mean that at age sixty-five he will be any better off than his father or his grandfather were, because the more you have, the more you spend, it is just a way of life. There are more goods, there are more services to require the pay cheque, there are more things to do, there are more places to go, and today's Civil Servant despite his recent salary increases will never have money to spare, because we tend to spend all we make.

And this provision in this Bill is a means of protecting the Civil Servant despite any spending habits he may have. It guarantees that he will have an income, which he can never outlive, and that his surviving partner will also have an income which she, or if there are children, the partner will not outlive, and the children will have until, hopefully, at the age eighteen, they would be able to fend for themselves.

The Third Official Member mentioned that the pension factor has been reduced from the one six-hundredths to a factor which will provide a little smaller pension to the main pension recipient, but will result in a continuation of the pension to survivors. Whether this exercise will cost Government more money, or less, remains to be seen. The end results will only be known when it is determined whether we have more surviving relatives, or recipients of the pensioner, or whether we have less, so it is only a matter of the effect the pension will have on the survivors.

It has been the experience that people who receive a regular pension, regardless of how small it is tend to live much longer, and this is because they have got peace of mind which says to them, "You will always be able to buy a cup of coffee, because we will have X amount per month". Even if it is a paltry sum the fact is that a person in old age needs so little, but he needs that so little so long, and it may well be that this provision today which provides for the survivors of pensioners will undoubtedly add to the longevity of those survivors, and we could well be faced with an enormous bill in the future. But if the right politicians can be kept aboard this ship I believe that there is no reason at all why the Government in the future should not be able to comfortably meet its payments to pensioners and to survivors of pensioners; but if we get a new breed of people who believe they can destroy the economy and stop development and still have money in the till, you may find that the Civil Servants may have to take a reduction in salary much less no pension at the end, and may well find themselves in a position that they found themselves in not too many years ago when they themselves had to agree with Government that they could not take a raise that year because there was no money in the till.

And this provision is bound to add to the stability of the service, it is bound to produce exceptional Civil Servants, when he knows that not only the security of himself, but the security of his wife is guaranteed until the good Lord invites them both to the Great Beyond. This is a step in the right direction for the Government to take, the costs will be offset by a small reduction in their basic pension, but even if there had not been such a reduction in costs I would say that this would be worth the price, because the Civil Service is an organization which, like the politician, has to deal with the public. And so they may get their praises, but they do suffer their abuses, and one of the compensating factors for that public service is that in their declining years they will have, if not an adequate income, at least an income that is guaranteed, they will have an annuity upon which they can depend. And with the knowledge that comes, good or bad, come

HON. G. HAIG BODDEN (CONTINUING): high tide or low tide, they will have an eventide in which they can look back and call this administration "blessed".

HON. JAMES M. BODDEN: Mr. President, I too am very much in favour of the Bill that is before the House, it is something in my estimation that has been long needed and it will help the older people when they retire, because most people are never able to save much money anyhow, but mainly my contribution to the debate will be on the few words that were spoken in the House this morning.

I think it is an affront to the politicians, past and present, when it is said that you are not needed. It is the dedication of people - and if I may be permitted to call the name - like Captain William Farrington, and many more who have sat in this House, in his case for fifty years of service to his people for a pittance, as all of us know was paid; it is not for the love of money that a man becomes a politician, but the politicians have done a great service to this country. And we must remember one thing that we are supposed to be living in a democracy; and a democracy is where the people are governed by the people whom they elect by a free electoral system where the people have a chance for their voices to be heard. If we are not going to support that, then we do not support our own Constitution, and it then becomes a mockery to our system of Government.

It is the wishes of the people who elect the politicians, they elect them for the faith that they have in them and that they will carry through the policies which they tell the people they will. It is that type of Government, in my opinion, that has brought this country to the point of stability that it has today.

You hear very much about politicians interfering with Civil Servants. We have some very worthy Civil Servants, but as I have said in this House before, and I do not retract it because this is an election year, I am not campaigning for votes in the Assembly; I say that we have many square pegs in round holes in regards to the Civil Service. No one can make me believe that under our form of Government that the people we elect to be our Members, from which four Members are given the responsibility of heading up certain portfolios of Government, and then to tell the Member that he is responsible for what goes on in his department, he must be responsible to the House, he must be responsible to the people, and then you tell him that he cannot reprimand to a certain extent the employees who are under his control. If that is so, why in the God's world do we take this type of Constitution, why were we put there, if we cannot control our own portfolios and what we wish to be done in them?

I feel that the Civil Servants must play their part and we play ours, they must work, but if anyone has an idea that they must be my master then somebody has got the wrong impression. I am not trying to be their master, but I am saying that if I am responsible, and if my head is to roll, then somebody must take directions.

This was particularly funny to me this morning to hear the Member make the statements that were made, when I think the third question that was posed to the House this morning was posed to an Honourable Member of this House who is a Civil Servant, and that question attempted to cast aspersions on the character of someone in his department who is a Civil Servant. Yet we speak with honey dripping out of one side of our mouth, and the other side, God knows what it is.

HON. TRUMAN M. BODDEN: Mr. President, The Pensions (Amendment) Law is another step forward in improving and upgrading the conditions of service within the Civil Service, it is the second major step this year that has been taken towards upgrading conditions generally and it is undoubtedly a second major step.

The English common law once had a rule that a tort died with a tortfeasor. That was very similar to our Pensions Law here abolished in the United Kingdom in 1934, and sometime later I think many of the contractual situations such as The Pensions Law was altered to

HON. TRUMAN M. BODDEN (CONTINUING): follow. I think it is only fair and equitable that anyone who has accumulated wealth or a savings in the form of a pension should be entitled to it, and that also his family should be entitled in the event of an untimely death to it, it adds security and it adds tenure to the Civil Servant's office.

I also believe that as pensioners have given the largest part of their life to their country that they should be duly rewarded. I am happy to say that subject to it being approved by this House, I also hope to have free medical aid made available to the spouses of pensioners. This will be an extension of these privileges which I think are very important that they be brought in at this time. As the Honourable Member from Bodden Town mentioned, we are happy that this can be done and it is being done because we operate on the rule that we have to make money before we can spend it, and we have been lucky and fortunate that this country is in a good financial position, the best it has ever been in, and we do not at this stage have to sit down with Civil Servants and ask them to forgo either pension or a salary increase as has been done in the past.

The relationship between the Civil Service and the Government, the elected, is one which, I think has to be understood, otherwise we will have a serious erosion of our Constitutional status. There must be teamwork between the Government and the Civil Service, and there must be the give and take principle. However, there is a rule which under the English and the Commonwealth system is referred to as the separation of powers, and the day that we confuse this doctrine, or we fuse one of the three powers into the other, or leave out one of those powers, then we cease to be a democracy.

The principle here has been ably put by President Lincoln when he said, "Democracy is Government, of the people, by the people and for the people". The day that is changed to "Democracy is Government, of the Government, by the Government and for the Government", then I am afraid we have moved into what is sometimes called "totalitarianism", an area that is unknown to this country though it exists around us.

I would like to just comment on a bit of the debate earlier and to state very categorically, I am very proud to be in this House, and while I remain here I will keep that pride with me, and if I ever feel I have no pride to be in this House, my duty constitutionally is to resign and get out of it, and that I would do.

I have always believed in practicing what I preach, and while I quite agree on the principle of not abusing either the system of justice or the service - we had early this morning two examples - one, questions on a case, the second one a statement, very much against the Honourable Chief Secretary, and if the principle is to apply, I feel we should apply it generally.

Similarly with The Pensions Law, it is of general application and those Civil Servants who are in the service, naturally are entitled to it, and I feel they deserve to have the best conditions that are possible, but they also, on the other hand owe a duty to remain within our Constitutional system.

What is very interesting, Mr. President, flipping through the Constitution, if one wiped out the Elected, sections 5 to 48 would disappear, leaving only sections 1 to 4, and 50 to 58, so the choice, Mr. President, would be to resort to what Cook, back in the 15th or 16th century once stated that 'in England everyone was presumed to understand just about everything relating to the Law and the country's Constitution was fully understood by everyone and need never to have been written'. So I believe that the Civil Service is important under the separation of powers, but so are the Elected, and any confusion there I am afraid would put us back to the 15th or 16th century when Chief Justice Cook propounded the doctrine that came later to be interpreted into ignorantia juris neminem excusat - that ignorance of the law is no excuse.

But the specific upgrading of security of tenure both to any of the three powers within the service, and in this instance The Pensions Law, I believe is a right step. I personally would like to see it extended as time goes on, and in the Social Services Policies the House will see a very

HON. TRUMAN M. BODDEN (CONTINUING): small effort on my part to extend those conditions to people who I think have served proudly, have given the larger part of their lives and who perhaps deserve this more than anyone else within the country.

The timing, Mr. President, is very appropriate because we saw obliquely an extension of this on Monday when the National Council of Social Services had the ground breaking ceremony for the Home for the Aged, and while I may not get the opportunity on any other subject this time to state this, I would like to publicly congratulate them on it and for their continuing to extend very much what we are doing here today.

Thank you.

MR. GEORGE C. SMITH: Mr. President, I too rise to support this motion before the House. I would have been a bit happier to have received this before last night so that I could have had the time to check it out more thoroughly, however, there are two things that I am a little cautious about and I would like to have the Member who is presenting it clarify - and that is, whether this Bill as presented will extend to persons whose spouse has already preceded them.

I think we have in the private sector today a number of persons who, for example their husband has worked for Government for many years and after leaving the service died quite shortly afterwards and the wife and children may be facing hardships today. I do not think that that is made clear in this particular Bill, and I think that these persons should also be taken into consideration. The other point, Sir, is section 17D, which states that "Any pension to a child shall cease on his attaining the age of eighteen years".

I think that further consideration should be given to the child who may be handicapped, afflicted, and special provision should be made in this section that the child will continue to receive a certain benefit until ..... - should we say, Government can prove that this assistance is not needed any more .

I thank you.

MR. CRADDOCK EBANKS: Mr. President, at the end of a marriage ceremony the ministe says, "For better, for worse", and I believe in most cases the woman does hope that her husband will be the longest liver so that he will be able to provide for her as long as health will allow him.

To those who might have been working for Government and under the present old Pensions Law it appears that it only states that when the pensioner dies the spouse should die along with him because she has no further maintenance, because when he died his pension was buried at the same time.

It has been mentioned in this House on numerous occasions that it was felt that this should be given a further expansion to where the survivor should be maintained on this pension as far as possible. I do feel that when one works all of his prime life, and on retirement whether it be age or ill health and looks back and sees that all his years of labour and nothing to subsist him from, then it is really time to give some consideration.

I am proud, Mr. President, that this country today has been built from good dedicated men and women both in Government, in the Assembly, old Vestry, Civil Servants..... who retired or died without any aid of a pension, many of them. And if it was not for the love of the country there would have been many who would not have put in the years that they put in. Most of our young people today, or employees, they are not anxious to put in all of these long years for little or nothing. If I might use myself as an example, when I joined this House 18 to 20 years ago and did not get one penny from it, if it was not for the love of the country and my people, then I could have made further use of those years by seeking a better livelihood, but I had the love of my country and people at heart.

MR. CRADDOCK EBANKS (CONTINUING): And I feel, Mr. President, with this proposed amendment to the Pensions Law it is a good thing, it is the right thing, and I trust that it will give Civil Servants a better ..... or increase their interests of being more eager and anxious to work for Government than to continue saying that it is better on the outside with the private sector - it is doing better, and the private sector is doing this.

There is one section in the Amendment Bill which the Honourable Member from George Town just mentioned that I intended raising is the age, because I do feel myself that in the case, if it should have been that an afflicted childin a family and that there was no hope of him being physically able to earn a livelihood, then that child ought to be considered under the Pensions Law. What I mean is that providing that the father or the mother, or they might be both drawing a pension, or one or the other, and the child . . should continue then to draw whatever portion it would provide for that child and not for the child to be cut off at the age of eighteen years like other children who might be healthy.

So I feel, Mr. President, that this Bill is the right step in the right direction and that it will add much improvement, I hope, to the people who are working for Government, because none of them who are even on the starting point today work for what the leading Heads of Government or Civil Servants worked for many years ago for £3. 0. 0., £4. 0. 0. or £5. 0. 0. per month, nobody works for that today. So I do hope that this will be a great step, a great encouragement, and it will be appreciated that they can look forward if they put in their time for retirement, that they can look then and say, "Well I have a certain amount of my salary still coming to me after I leave my job".

So I give this Bill my whole support, Mr. President, and I trust that it will serve a good purpose.

I thank you, Sir.

CAPT. K.P. TIBBETTS: Mr. President, I also rise to support this Bill before us. Many years ago when the Civil Service was getting an increase in wages, I am not sure what year it was, in the mid 1960's I think, some of us had to put up a very strong argument for the pensioners to be considered at the same time - I plainly remember one of the cases that we used and I will use it here today, Sergeant H.L. Bodden served as a policeman in Cayman Brac for I do not know how many years, quite a number, 20 or more, and his pension in those days was only a pittance. Nevertheless, the Assembly went on for hours and hours, some opposed, some supported, that whenever the Civil Service got an increase pensioners should get an increase accordingly.

There is no reference made in this Bill for such an increase. I have not had time to study it, I only got this Bill this morning just before the Assembly convened, I read it through and I do not see it there. I am wondering if that should not be included in this same Bill before us today.

Mr. President, no one knows how inflation is going to treat us. We may get an officer retiring at age sixty-two, sixty-five, as the case maybe, with a pension that can help feed him at this time, three or four years time that pension may not be able to help him at all - may be buy one meal of food per day instead of the regular three. I believe that we should consider that carefully here at this time. I know that the Civil Service has just got an increase, I support it, I feel a man must be paid for what he does, but these Civil Servants after they retire they should be considered the same as one that is in active service.

Another point I would like to stress on, the point made by the Second Elected Member for George Town, about children who could not take care of themselves after eighteen years of age, that was one of the points I had marked which I intended to refer to. I strongly support that. Not because a Civil Servant is an educated person, or from an upright and respectable family that does not mean that they cannot have retarded children, they can have a child retarded as well as anyone else, and I feel that we are duty bound to consider that very carefully and make an amendment

CAPT. K.P. TIBBETTS (CONTINUING): or an addition as the case may be to take care of children who cannot take care of themselves. I know that eighteen years of age is the age of majority, by all means, but again what comes to my mind is, what about the child who is trying to better his education, going on to high school or college or some such thing at the age of eighteen and has not finished? This, to me, should also be considered.

Money is not everything. The reserve money that this Government has could go overnight, and I feel that we should think of the services that have been rendered by our people in the past years. Like the Member from North Side said there are many of us who have served in this Assembly for years and years without any reimbursement, it is because we love our country. And these thoughts have come to my mind because I love my country, I love my people, and I feel that we would be unfair to them if we did not give them the consideration they need for the services they have rendered through the years, and I strongly support this Bill.

HON. CHARLES L. KIRKCONNELL: Mr. President, this Bill seeks to correct an area that should have been considered before, however, Sir, we cannot fault Legislators before our time because money was the determining factor and I think in years gone by this country could not afford to pay the Civil Servants, or the pensioners what it can today.

I think this Bill will give the Civil Servants a greater sense of security, and a peace of mind knowing that after they have deceased that their wife and family will have something to live from.

I know of one dedicated Civil Servant who died just a few years ago leaving his wife, the children were of eighteen years and over, but this lady when her husband died, the pension immediately ceased. I feel that that was not right, and I am glad to be here today to help to correct what I consider something unfair to those who were pensioners in the past.

An area that was also mentioned was section 17D dealing with the pensioner's child, the handicapped or afflicted. I agree with what the Member for George Town said, but here again I feel that the policy which is coming before Government, perhaps will take care of this area. Nevertheless, we can look at it at this stage and provide for the handicapped or the afflicted.

Mr. President, I was a little bit alarmed to hear a statement made that you could run this Government with the Civil Servants, but you could well do without the Elected Members. I do not know whether this was meant to belittle, or cause an affront to the present Members, but I do feel, Sir, that speaking personally, I have dedicated my time to this country for a cause to elevate the people of the country, to elevate, not myself, but to get out there and do justice to one and all. I think of all the past politicians and feel that this statement has done them a great disservice.

The Fourth Elected Member of Executive Council mentioned only one Member, an old Member, Mr. William Farrington, he was a dedicated politician. I think this country owes that man quite a lot. One who was not mentioned was Doctor R.E. McTaggart. Had it not been for this gentleman who was a politician at that time, where would this country be today? He stood up in the Assembly and fought to keep this country away and out of the crutches of the Jamaican Government. Had that man not dedicated an hour and a half standing on the floor of the Assembly, where would we be today? Just look at Jamaica - to be a dependency of that country today it would spell 'ruin'.

Mr. President, I support the Bill before us, I think we have a very good Civil Service and I think the Civil Servants have their duty to perform, the politician has his duty to perform and I can see no reason why the politician and the Civil Servant cannot work together. I know, speaking personally, I have worked with the Civil Servants, I have got

CAPT. CHARLES L. KIRKCONNELL (CONTINUING): their support, I will continue to give them my support - they will continue I am sure, to give me their support for the rest of my term. If I felt that my contribution was so insignificant I would not seek re-election in 1980. I hope to be here in 1981 to assist the Civil Servants in the administration of this Government and to help elevate this country, and its people.

MISS ANNIE HULDAH BODDEN: Mr. President, could I ask you a special favour, Sir? Will you have what I said put to these Members? As far as I know I said, "you could better run the Government with Civil Servants than with politicians". That is what I said, to the best of my knowledge, meaning to say, Sir, that if all of the politicians resigned you could still carry on with Civil Servants. I said nothing disrespectful of Civil Servants or either the politicians, and I would like if I could have a transcript of what I said to correct the false impressions which have been hurled at me today.

MR. PRESIDENT: We can accept that as a personal statement and I shall ask the Clerk to circulate a transcript of what the lady said.

MR. J. GARSTON SMITH: Mr. President, I must, like other Members give my wholehearted support to this Bill placed before this Honourable House this morning. I feel, Sir, that this is something that will be received wholeheartedly by the Civil Service. Mr. President, it is most pathetic to me to see someone work all of their life, and their family cannot receive benefits from their earnings. I am very happy, Mr. President, to know that this administration has seen fit to make this move, especially since the Government is in a position to carry the load that this motion could put upon it.

Mr. President, in referring to a statement that was made here this morning, I do not agree either, Sir, that we could run this country without the Elected Members, whether it be this Elected House, or some other Elected House, I think this would be a backward step. It is also quite true that we need an efficient Civil Service. Mr. President, my desire is, Sir, to see the Civil Servants and politicians work hand in hand for the betterment of this little country.

I thank you.

MR. D. DALMAIN EBANKS: Mr. President, I too would like to join in congratulating the Member who moved this Bill in the House, and I support it wholeheartedly. I feel that steps should have been taken long before this time, but as time goes on everything changes, some for the better and some for the worse, well this is one of the good things and I feel that this should encourage the Civil Servants to work harder and work along with any administration that we have here regardless of who is in the House to help better the country.

I cannot say that I got hit at the words that were mentioned here this morning, I think it was a misunderstanding, but we have to admit that it sounds a bit out of place. I am sorry that it was mentioned, because no country really can be run without an administration.

I thank you.

MR. PRESIDENT: Are there any other speakers?

HON. D.H. FOSTER: Mr. President, the existing Pensions Law has worried me for years, Sir, and as time went on and my years in the service became more, it worried me even more, because literally the position was that if anything happened to me during the day in the form of an accident or anything else my whole life service would have been given to this country, or to the people of this country, and my wife would have got a year's salary and nothing else after that. A year's salary might have been able to pay off for the house or something for our debts, and she would have to be dependent on ..... or like another Member said, "At the mercy of the world".

But I am glad today that at long last we have had this amendment put forward. It will set at ease the minds of Civil Servants

HON. D.H. FOSTER (CONTINUING): who have 20, 25, 30 and over years and it should be an encouragement for the younger ones to join the permanent and pensionable staff and to stay on, because then at least they know they cannot really die a pauper.

I think that this will solve a problem that has existed for a long time and I think it will be most welcome and I wholeheartedly support the Bill, Sir.

HON. V.G. JOHNSON: Mr. President, I want to declare an interest in the subject. However, because I am the Member responsible to present it to this Honourable House I have no alternative.

I am grateful, Mr. President, for the pleasant attitude of Members towards this Bill. I think that attitude was mingled with the enchantment of an election year. The pleasant attitude of Members towards the Bill also reflects towards the Civil Servants. I am sorry about the bit of heat created in the debate. As one Member said he thinks that it was purely a misunderstanding, and I am sure it was. It was nevertheless slightly embarrassing to me as a Civil Servant, for I wish to claim no achievement from the Elected Members camp. I am a Civil Servant and a servant of the public and that is all I wish to claim.

As the enchantment of the election year will continue I would like, Mr. President, to leave with Members Benjamin Franklin's secret of success in these words, "Speak ill of no man and speak all the good you can of everyone".

Mr. President, in the debate a Member asked whether the provisions of this Amendment Bill would extend to previous cases. I am afraid that is not so, because the Law begins in section 17 by saying "On the death of a pensioner, or a pensionable officer", and so that implies that all future such cases after the coming into effect of this Amendment Law will be so affected and no other. It is unfortunate and I am aware of some of the cases which are being referred to that are deserving cases, but I am afraid that the remedy to provide benefits to such individuals will have to be provided in some other form.

Secondly, the age limit of a child was also mentioned. The Bermuda Law provides the benefit for a child up to the age of seventeen. We gave thought to that here and decided that the age limit should extend a year beyond that provided by the Bermuda Law for Bermudians. Also, in Bermuda the provision is cut off from a female child who marries before reaching the age of seventeen; in our Law it says nothing about a child who should marry before that age.

Mr. President, it was also mentioned that pensioners should be considered on equal terms as Civil Servants as far as salary or pension adjustments are concerned we have done that. All through the years whenever there is an adjustment of salary to the Civil Servants there is also an adjustment of pension allowance to pensioners, and so we have given them due consideration from time to time on equal terms as a Civil Servant. If a 10% increase in salary is awarded to the Civil Service, a 10% increase in pension allowance is awarded to the pensioners as well. I do not think that we should go beyond that and so pensioners are covered there. There is no rule which says that this should be done, but I think from the good spirit of Government this has always been given favourable consideration.

Another thing I would like to mention, Mr. President, is this, that a Civil Servant should be concerned about retirement benefits and that is not quite the case. In other countries quite a number of Civil Servants have to contribute to their retirement benefits because it is not all provided by Government. Here it is not so. A Civil Servant here gives no consideration or no thought to retirement benefits because Government provides full benefits to which the Civil Servant does not contribute. That, Mr. President, in terms of money is equivalent to about 25% additional salary to the Civil Servant, because if you calculate his pension benefits on retirement, then it is quite clear that the non-contributable pension scheme which he enjoys

HON. V.G. JOHNSON (CONTINUING): is equivalent in terms of money to 25% additional salary. And as I said he is not contributing to this, this is a full Government provision and so the Civil Servant in my opinion is treated quite well as far as his pension benefits are concerned.

Mr. President, quite a lot has been said about the Law and quite a lot of nice things have been said about Civil Servants and I would like to thank the Members very much for their kind expressions. I am sure, or I hope that the Civil Servants will accept it in that spirit, and I would also thank Members for due consideration given.

I recommend the Bill, Mr. President.

MR. PRESIDENT: The question is, that the Bill intituled "The Pensions (Amendment) Law, 1980" be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

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

HOUSE SUSPENDED AT 12:35 P.M.

HOUSE RESUMED AT 2:35 P:M.

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

GOVERNMENT MOTION NO. 5 - SUPPLEMENTARY EXPENDITURE

HON. V.G. JOHNSON: Mr. President, I beg to move Government Motion No. 5 dealing with Supplementary Expenditure. The Motion reads:-

"WHEREAS at meetings of the Standing Finance Committee held on the 31st March and 9th May, 1980, applications for supplementary expenditure during the current year 1980 amounting in aggregate to CI$1,175,913 were examined and recommended by Finance Committee for approval by the Legislative Assembly.

WHEREAS the meeting on the 31st March considered three proposals involving additional expenditure amounting to $759,243 and the meeting on the 9th May considered one proposal costing $416,670, details of which were reported to this Honourable House earlier in this meeting.

BE IT RESOLVED that this Legislative Assembly approves the four recommendations of Finance Committee and that the Financial Secretary be and is hereby authorised to spend a sum not exceeding $1,175,913 for the purpose stated and agreed under the various Heads and Sub-Heads in the proposals to Finance Committee".

Mr. President, the Report on these two meetings were laid on the Table of this Honourable House and explanation was given for the various recommendations. This Motion, No. 5, is seeking the authority of this Honourable House to cover those recommendations, which in aggregate amount to CI$1,175,913.

It was stated in laying the Reports on the Table what these various proposals consisted of. The meeting on the 31st March this year included proposals for re-votes of ongoing projects and it also included requests for additional recurrent expenditure, and the meeting on the 9th May dealt with a proposal to purchase equity in Cayman Airways, Limited.

Mr. President, as all of the Elected Members of this Honourable House participated in the meetings of Finance Committee dealing with these matters they are all aware of what the proposals are all about. I, therefore, at this stage recommend the Motion to this Honourable House.

MR. PRESIDENT: The question is.... I shall read out the resolution part of the Motion:-

> "BE IT RESOLVED that this Legislative Assembly approves the four recommendations of Finance Committee and that the Financial Secretary be and is hereby authorised to spend a sum not exceeding CI$1,175,913 for the purpose stated and agreed under the various Heads and Sub-Heads in the proposals to Finance Committee".

The Motion has been properly moved and is now open for debate.

QUESTION PROPOSED: DEBATE ENSUED.

MISS ANNIE HULDAH BODDEN: Mr. President, as will be noted from the Report I declined to vote on this $416,670, which amount was brought to our notice on the 9th May, 1980; I declined to vote. I was the only person who declined to vote that asked any questions or made any statement whatsoever. Of course what I am saying here I will get the same abuse as I got this morning, but I am saying, Sir, that while I am in this House, it might end in September forever, because if I live until 1984 by then I will be too old and stiff to climb these stairs, so my next term if God wants me in the Assembly, will end in 1984, and while I am here until then I am quite prepared to be abused, but they will never frighten Annie Huldah Bodden. That is a foregone conclusion. I bow to your ruling in anything you say, but I am very sure that you will see that I am not oppressed and even, Sir, if you did not consider me right you would not be as vindictive as these Members are. I made a vow today and I will stick by it unless I die, and three present Members of the Executive Council will never ride a seat if Annie Huldah Bodden's vote is to put them there. That is a foregone conclusion.

Now, I say I did not support this $416,670 for the reason, Sir, that ..... they say the newspapers are absolutely incorrect, but if I read right and thank God up until now I am not blind, this airline is running to full capacity, has all the benefits necessary, and I am saying, if that account is true, it is one of two things - the passengers are not paying their fares or the money is being squandered - one of two things. And I disapprove of this $416,670 being spent to pay for anything in connection with the airline. If the airline is operating on the profit like I have heard certainly we do not need any money to put in it. On the other hand if we hear the truth that the airline is operating at a loss and we have to subsidize it, I will be the first human being to say, "let us subsidize it", because we cannot function without an airline, and consequently I feel that it is an essential thing to our well-being. And I will support - any time a true statement is made - we need - if it is $1M per year to subsidize this airline, I will never fringe to vote, but I will not vote for this amount as asked here. The other amounts I consider as reasonable and I will vote for that, but not this money to go to this airline.

Thank you.

HON. JAMES M. BODDEN: Mr. President, twice before (since I have been dealing with Cayman Airways) I prepared speeches dealing with the history of Cayman Airways, which I intended to put before this House and in so doing put before the people of this country. Both times I pulled back, and if the Members of the House will remember, the last time I said, "I will start at the back of my speech and end it there instead of starting at the beginning".

I am not afraid of defending Cayman Airways. We have done what we thought was best for the country, the final responsibility was mine as the Member in charge, I am willing to take that full responsibility. In so doing I do not like to take the abuse that sometimes go with it. This airline is not an airline for Executive Council, it is not an airline for one person, it is an airline for the people of this country, and as Chairman of this airline, and as the Member responsible for it, I would say that you could say

HON. JAMES M. BODDEN (CONTINUING): possibly that there is something due to me on it.

I will reveal to this House how much I get out of Cayman Airways. I made a trip away recently, I was gone for fifteen days, the greater majority of it was spent on Government business, the ticket that I went to Miami on on Cayman Airways was paid out of my own pocket, just like any other one would have paid. Government did not pay it, Cayman Airways did not give me a seat. So I am not prepared to take the abuse that some people would like to heap on me for this.

I am proud of what we have accomplished on Cayman Airways, I am proud that I have been able to be a part of it, and as I said once before, the final decisions on it, I have not shirked from making it, because they were my responsibilities and I feel that sometime in history it will be proven that the right move was made for Cayman Airways. It may take 100 years for my bones to rot, but even if it takes that long someone will say that it was good for this country.

I will have a very lengthy speech on this subject, I will ask the Members to bear with me, because it is going to be a bit disjointed. I did not have sufficient time to put it in the context that I would have liked to have put it; in some cases I may drift a bit, but believe me I will eventually get back to the story.

It is my opinion, Mr. President, that when we go into Finance Committee we go in there with a certain amount of secretiveness. We all wonder many a time how things get on the marl road, may be we are now finding out how the bush telegraph operates. I should not come out of Finance Committee and say that the Honourable Truman Bodden did not vote with me, or that the Honourable Haig Bodden kept his mouth shout. I think that is why when we go into Finance Committee we close those two doors, and I am shocked to hear a Member come to the floor of the House and publicly admit what was said and done in the Finance Committee.

As to my occupying a seat in Executive Council, I like opposition just as good as I can conduct myself on this side, and if it had taken the Member's vote who spoke awhile ago to put me in Executive Council, I would not be here now because I did not get it the last occasion. I do not expect it this time if we are lucky enough to win, but who knows who is going to be in the Assembly in 1981, God willing, to choose anybody? None of us know that. There are many factors in life that play a part, so if that vote is withheld it is nothing more than I expect, it does not mean that much to me. I am proud, I am pleased, and I am glad to be able to serve my country and I think I have served it ably even if I have to say so myself.

At least .... Well, I will pull that back, but let me say, Mr. President, one more time that the airline is not for one person, the airline is for the country. And when I consider some of the many ways in which money has been spent in the past and is probably being spent at the present time that is not to the full benefit of the country, and to hear the useless gossip and rumours that abound on the street because of what I refer to as the 'LACSA syndrome', it disgusts me, but if anyone has any doubt about that 'LACSA syndrome', when I am through with this speech - this will probably take until Monday, God willing, then you will at least have both sides of the story.

I owe no loyalty to any country but this one, this is the country that I am sworn to represent, it is not Costa Rica. Before I get into my speech, permit me, Mr. President, to read certain items that came out in the recent Airline magazine. I do not have the date of this, but I think the publication date was in May, May of this year, and it reads as follows:- "But now the great American travel boom has come to a screeching halt, travel on major domestic carriers flipped 3% in the first three months of 1980, and for the full year it is expected to drop 5% to 10%. That would be the first year to year decline in over two decades". (I will comment on that). Being also responsible for tourism, this is why we have to make some of the moves in tourism that are being made today in regards to promotion, to get into areas that we have not gotten into before. You cannot sit idly by and think that tourism is just something that automatically happens. If you think that, check with the

HON. JAMES M. BODDEN (CONTINUING): statistics for the rest of the Caribbean Islands and you will find out that we are the only place in the Caribbean today that is experiencing the growth that we are experiencing in tourism, and is it because we must be doing something right? These people do not automatically fall out of the sky.

I will go on. "For the airlines there will be major financial losses with some stunning deficits to be announced this week. The industry suffered operating losses of $200M in 1979's fourth quarter and probably another $300M in this year's first quarter. The $½ billion deficit will be more than the airlines ever lost before in the six months' period or even a full year." (This is referring to American airlines). "Skyrocketing fuel prices are a major cause of the trouble. United States carriers will pay an average of .95¢ per gallon for just fuel this year, a 64% increase from last year, according to George James, an Air Transport Association economist." That means the carriers will pay $10.5 billion for fuel this year, $4 billion more than in 1979. "Fuel bills, which only a few years ago accounted for about 12% of airline operating costs will exceed 30% of costs this year."

American airlines are lucky, they are paying .95¢ - an average; we have to operate on an allocation. This year Cayman Airways will probably use 2½ million gallons of fuel; we have been able to secure an allocation for 1½ million gallons. The remainder of that fuel has to be bought on the outside market and in many cases the price will run as high as .15¢ more per gallon than what we pay on the allocated rate. In Grand Cayman we pay - at the present time $1.28 per gallon for this fuel. So if the American airlines who have everything at their disposal, who have all the expertise that could ever be wanted, and who have fuel allocations that they do not have to normally buy outside are losing this kind of money, then there is no reason to wonder why Cayman Airways is losing too. Cayman Airways cannot operate on water, it takes expensive fuel to do so.

The article goes on to state - "The airlines, however do not have to wait to suffer. A few days ago American airlines reported a $75M operating loss for the first quarter of 1980, triple its operating loss a year earlier". It goes on - "Trans World Airlines just reported a $61M operating loss worse than last year despite the launching of service to Florida this winter that was supposed to help operations, but United States authorities have dragged their feet in granting international fare increases to cover fuel price rises. That regulatory leg will cost Pan American at least $100M in revenue this year, says William Sebal, Chairman of the Board. Pan American expects to report a first quarter operating deficit so bad that Mr. Sebal describes it as 'a deep hole'."

Bear in mind, these airlines, or the majority of them are able to get increased fares and get it much easier than we can. As an international airline it is operated much stricter, you may put in an application and it may take six months to get an approval for an increase, and when you get the increase, it is not going to be the increase that covers the losses that you sustained. I stand subject to correction on this one, but I think in 1979 the only increase that Cayman Airways got was a 9% increase in fares. This year, I do not think we have gotten either one, yet during that time the cost of fuel has jumped, in some cases by nearly 200%.

In the past Northwest, which is really over the period of years has had one of the best operating records of any American airline - Northwest has been the most profitable of the carriers, but in the first two months of this year it reported a $29M operating loss, believed to be a record for the period. That is only telling what some of the carriers are doing.

Yes, it is costing money to operate Cayman Airways, but there are tremendous benefits to the country and if you did not have Cayman Airways operating today and bringing the financial people into this country and bringing the tourists in, you would not be worrying about the supplementary budget, because you would have no supplementary money to vote.

Further on that, Mr. President, it was just like a meeting I had last week in Miami. I had a meeting set up with Mr. Bowerman,

HON. JAMES M. BODDEN (CONTINUING): the President of Eastern Airlines, he was called out of town and I had the meeting with Doctor Earlick, the Chief Vice-President of Eastern Airlines. After a very long discussion back and forth he said to me, "Well, you people could always get out of the airline business, we would hire your people". I quickly said to him, "Doctor Earlick, will you hire our pilots?" He said, "No. You know better than that, I could not put them on American planes". "Will you hire our stewardesses?" "No, I could not hire them." "Will you hire some of our management personnel?" "Well, maybe, but I do not think so." "Well in other words then Doctor Earlick, you are only willing to hire the baggage boys." Is that what you as Legislative Assembly Members today would like to do to our people?

This country today has a surplus, that surplus again did not accumulate by accident, and if this administration had enough foresight, enough ability, and enough sense to accumulate the large surplus we have today, well then we have the ability and the foresight to place it in the right place and spend it. We are not spending money that was built up as a surplus by a previous administration, we are spending money that was built up in this administration and it is being spent for the good of the country.

Cayman Airways, Limited was formed on the 3rd of August, 1968; 30,000 shares at $2.00 each were issued (at that time they were pounds - £1. 0. 0.). The Cayman Islands Gvoernment had £15,301 of shares for 51% of it, our good neighbours had £14,699. They got those shares for a few assets that they claimed they had and the liabilities that had been incurred and the goodwill of Cayman Brac Airways which was transferred to make up that amount of money. It was not actually money that they put in, the major contributor of money was the Cayman Islands Government. The Company was formed with LACSA having three directors, the Cayman Islands Government having three directors, and the agreement stated that parity in the amount of directors had to be maintained and that the contract remained in force until the 1st of July, 1978.

That date is very significant because it tells us why some of the moves that were made by LACSA to end the association were made by them in 1977, rather than waiting until 1978, because in 1978 the membership of the Board could have been changed with the Caymanian side having a majority, which it should have had by maintaining the majority of shares. Much blame has been laid at the foot of this administration because of the break with LACSA. That fault can be borne by both sides, that break did not come completely by the movements of the Cayman Islands Government.

It further goes on that in that agreement the general manager of Cayman Airways, Limited must be an officer or employee of LACSA, and that too remained in force in the agreement until the 1st of July, 1978. In other words, we were the majority shareholders, we were put in the losses then as well as it is now, but no hue and cry was raised about it and the manager of that who was a local man, under the terms of the agreement had to be considered an employee, or an officer of LACSA in order to maintain that job. They made one concession to us - the chairman could be elected from the Cayman side of the directors, the quorum was four directors with two directors being able to summon a meeting, and the agreement stated that "LACSA should provide to the 1st of July, 1978, day-to-day management and administration, technical and operational assistance, and should charge reasonable charges for doing so".

At the 30th of September, 1970, the balance sheet of Cayman Airways, Limited had a paid up capital of US$72,000. The deficit in the year of 1970 was US$53,453.57, which meant that the shareholders equity at that point had been reduced to about US$18,000. Owing to LACSA on the same date was US$95,780.48.

I was not in the Assembly at that time, but I am sure the records will reveal that nobody in the Assembly raised a hue and a cry about those figures, or that no one who may have been in possession of an underground press put those figures to the public.

HON. JAMES M. BODDEN (CONTINUING): On the 10th of April, 1971, an agreement was made to lease the DC-3 for a period of twelve months with an automatic renewal at the end of the twelve months. The agreement called - that if Cayman Airways, Limited gave up the plane it must be returned to San José at Cayman Airways, Limited expense, and US$1,150 must be paid in advance. Anything in regards to the maintenance, like say, a new engine had to be put on, LACSA would replace the engine, but Cayman Airways, Limited would pay the expense of installing it. This was later changed to where the majority of the burden of maintenance was borne by Cayman Airways, Limited.

The lease of the first BAC 1-11 was on the 1st of December, 1968, and the days of operation were Monday, Thursday, Saturday - Grand Cayman to Kingston and return. That agreement was for a period of twelve months with an automatic renewal. In that agreement Cayman Airways, Limited provided all ground services, dispatching fees, landing fees, communications, towing, cleaning, starting a ramp and traffic facilities, documentation, passenger baggage, cargo and mail handling, airport charges, taxes, and any other customs or police dues, and the costs of all communications.

The cost was US$1,000 for each round trip Kingston to Grand Cayman. The agreement called for the operation of this under the licences and the permits that were issued to Cayman Airways, Limited, but the exclusive control was in the hands of LACSA. This was later changed and on the 10th of April, 1971, the service started to Miami on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday - Miami to Grand Cayman return. This again was a twelve-months' lease which could be automatically renewed. For that Cayman Airways, Limited paid US$1,900 each round trip, and the operation was under the permits and licences of Cayman Airways, Limited with the crew and aircraft being under the control of LACSA.

On the 10th of April, 1971, there was a lease entered into with LACSA for a DC-6, and this would operate Miami/Grand Cayman on Friday and Saturday, (this is the cargo plane). The lease was for twelve months with the right to automatic renewal. I do not have before me the exact figures on what that amounted to, but I think it was in the neighbourhood of US$1,500 per round trip. At the end, but before the break came with LACSA they had jumped that to, I think, it was US$3,800 a round trip - they jumped it from US$2,500 to US$3,800. But this money was being paid to our good neighbour from the West, so nobody bothered about it, we were helping them to build-up equity. Why should we worry about it? They are good buddies - good boys.

This agreement called for Cayman Airways, Limited to handle all ground expenses, dispatching fees, landing fees, communications, towing and cleaning, starting, ramp and traffic facilities, documentation, cargo handling, airport charges, taxes and any other customs or police dues. This was on the Miami operation. Coupled with this was a general sales agency agreement entered into on the 1st of August, 1968, whereby LACSA appointed Cayman Airways, Limited as general agents in Grand Cayman. LACSA would reimburse Cayman Airways, Limited for reasonable cable and telephone expenses, special publicity and advertising; 10% of fare charges if sold by agents of Cayman Airways, Limited; 3% if on cargo, and 7½% when handled by a travel agent, which netted the Company 2½%. Charters, 5% to Cayman Airways, Limited, 3% to its agents, and US$1,500 per month as a representation fee.

The termination on that was a 60-day notice clause, similar to that there was a ground handling agreement entered into with LACSA on the 1st of August, 1968 between Cayman Airways, Limited and LACSA, whereby LACSA would pay to Cayman Airways, Limited for the DC-3 on a scheduled flight, handling, a fee of US$25.00; for the C-46 on a scheduled flight, US$50.00; the DC-6B on a scheduled flight, US$100.00; the BAC 1-11 on a scheduled flight, US$100.00. Other additional flights such as for refuelling purposes and so forth, there was only a half of the above fees paid to Cayman Airways, Limited.

Further to this, there was a management agreement entered into between Cayman Airways, Limited and LACSA on the 15th of August, 1968,

HON. JAMES M. BODDEN (CONTINUING): and it said that - "LACSA shall provide assistance and services consisting of assignment or recruitment for Cayman Airways, Limited of qualified management and technical personnel, development and conduct training programme for technical operations of personnel and training material; conduct special surveys and studies, and render special advice and technical assistance with Cayman Airways, Limited, problems on flights and ground training. And that LACSA as agent for Cayman Airways, Limited shall purchase machinery, equipment, parts and supplies, and LACSA may take such purchases in its own name" -(in its own name) "or in Cayman Airways, Limited and 10% additional will be paid to LACSA over and above the cost of the purchase price. And that that figure could be re-negotiated from time to time, and that Cayman Airways, Limited, for such performance would pay LACSA the money in advance".

Now if they were buying things for us, they were buying them in their name, they did not have to take them in our name, we had to put up the money and we paid them 10% more. No one questioned it. That was good. Our buddies were doing this.

It further goes on to say that - "Cayman Airways, Limited shall pay all costs of shipping, purchasing, clearance, etc.; lost or damaged while intransit, risks of Cayman Airways, Limited, not LACSA, was lost or damaged, there was no way that Cayman Airways, Limited could hold LACSA responsible for it, the full responsibility was in the hands of Cayman Airways, Limited, and that Cayman Airways, Limited paid LACSA a management fee of US$12,000 per year for these services" - in addition to what I mentioned.

"Cayman Airways, Limited would pay LACSA for salaries, allowances and expenses of LACSA employees assigned to Cayman Airways. Salary, allowances and expenses of employees of LACSA while engaged in performing special surveys and studies and special advice and all other related expenses.

Cayman Airways, Limited would pay salaries, allowances, expenses of LACSA personnel engaged in recruiting employees for Cayman Airways. Cayman Airways, Limited paid the salaries, allowances and expenses for training Cayman Airways employees by employees of LACSA, and they also paid the cost of the training facilities and the training material."

On all of the above, they were to be paid, and in addition to that there was a 10% added amount - of course that could be re-negotiated from time to time. "Cayman Airways, Limited to pay for the expenses incurred by LACSA employees carrying out inspection for Cayman Airways, Limited. All other reasonable and necessary costs and expenses incurred by LACSA in providing advice, assistance and services had to be paid by Cayman Airways, Limited, and that LACSA would invoice Cayman Airways, Limited monthly and it was payable on receipt. Cayman Airways, Limited shall maintain general liability insurance of types and amounts satisfactory to LACSA."

Now that was the basis of the agreement which we operated under. Could anyone tell me where we would be expected to accept that in this day and time as being fair? There were many more things which I will be dealing with as I go along, but the basic agreement was lopsided in every respect in favour of LACSA. But I never heard one question ever posed about it until my colleague from Bodden Town and myself came into the House and started to ask some questions.

Usually when questions are asked to me about Cayman Airways, Limited, I could take the usual cloak of immunity which the past administration took, what they told my friend and myself continually, "It is a Company, we cannot divulge any information". How many times have I heard that sweet refrain echoing in my ears? That is how much the Legislative Assembly Members knew about their airline. We were continually at the feet of LACSA. And it is 15 of us Members in this House, and if anyone would like to grovel at the feet of LACSA as we nearly had to do, then please count me out of that group.

I believe in paying tribute where it is due. LACSA gave this Island reasonable service, but during the operation of Cayman Airways,

HON. JAMES M. BODDEN (CONTINUING): Limited under LACSA, supposing it was somebody here who was sick and in real bad condition and you had to get into Miami in a hurry. During the operation with LACSA, although the plane carried Cayman Airways, Limited colours and we paid for it, did you ever see either one sit at the Airport overnight unless it was broken down? But yet today if you need it 11 o'clock at night, 12 o'clock, or 2 o'clock in the morning, you can find one at the Airport and you could send a person off. These are the additional benefits, and if it is any time that you are ever going to mature as a country, I think the time is now and it is ripe.

Another agreement was from the 1st of September, 1968 to the 31st of August, 1975. No, that was this one I have just read. Sorry.

Under that one termination could not take place unless six months notice was given to them, and these are some of the bargaining points that we had with them. If we negotiated one thing with them in 1977 to come in, we were hooked under another agreement which was six months later that we could not make any changes on. They had been very wise. Cayman Airways, Limited operated under articles of agreement which were registered at the Government Registry office, and although Government owned 60% of Cayman Airways, Limited and LACSA owned 40%, LACSA had three directors, that I said previously, and we had three. No meeting could be convened unless one LACSA director was present, but here is the point that really caught us, no motion could be passed unless at least one LACSA director voted with Government.

Could any of you see us putting up anything in Cayman Airways, Limited that we consider to the benefit of this country that might have been a little bit to the detriment of LACSA in one of their directors switching sides and coming to our side and voting with us to get it? Then some of you wonder, and the public may wonder why some of the moves were made, there had to be an impasse, there was no way of getting around it. LACSA fully controlled the Company with this and with the management contracts which had vested total operating control in their hands.

LACSA presented no audited accounts for Cayman Airways, Limited for the years 1968, 1969, 1971 and 1972 - four years. Yet I was kicked from hell to creation because of the financial troubles we had in the department and if we were 18 months late, or 19 months late, I think it was ..... Where were all of these people who had all of these guts? Were they not alive in 1968, 1969, 1971 and 1972, or did they have blinds on them?

In 1970 there was $60,000 worth of issued shares and there was a gross income of $165,704 - that is when we were operating the Jamaican run, the Company showed a profit of $31,107. The 1972 revenue was $1,122,083; the payment to LACSA for the rental of the aircraft was $614,825 in 1972. At the end of the year 1972, the current liabilities of Cayman Airways, Limited stood at $285,828; owing to LACSA at the end of 1972 was $79,941. In 1973 the revenue earned was $2,807,893; the rental for LACSA, $1,402,893. Current liabilities at the end of the year for the airline stood at $863,992. That is what your airline owed in 1973 and it did not own a seat buckle, it had no control over anything. I wonder where these people were at during this time. Owing to LACSA at the end of 1973 was $224,227. For the year of 1973 the Company showed a profit of $142,331.

In 1974 the revenue earned was $4,247,380. The rental to LACSA for this year was $2,252,272. Current liabilities at the end of 1974 stood at $1,036,145. That is how much you were in debt. Nobody worried about it though, our good buddies were taking care of it. Owing to LACSA at the end of the financial year in 1974 was $349,354. Agency fee facilities - for the facility - joint facility paid to LACSA in 1974 was $275,504. Then you wonder why they wanted to take care of us. The profit for that year was $104,194.

In 1975 the revenue was $3,949,628. The rental for LACSA was paid to them, it was $2,463,976. At the end of the year the Company's liabilities, or their debts rather, let us call it that for the..... stood at $1,073,954. That year we paid professional fees to LACSA of $37,694. Owing to LACSA at the end of the financial year was $258,181. We paid to LACSA for

HON. JAMES M. BODDEN (CONTINUING): their agency fee, $243,270. That year we had a loss of $365,429.

In 1976 we had a revenue of $3,592,773. The rental to LACSA, $1,898,894. At the end of the year the debt of the Company was $1,197,140. Owing to LACSA at the end of the financial year was $385,249. That year it was a profit of $37,729.

In 1977 the revenue was $3,900,605. The rental to LACSA for the plane was $1,919,074. At the end of the year the current liabilities stood at $835,938. Owing to LACSA in September of 1977 was $246,671; the profit, $25,540. September of 1976 to the 30th of September, 1977 marked the end of the financial year. Between that date and the 1st of December, there were the months of October and November; for those two months for the use of LACSA's aircraft we paid $335,766. For that two months' period LACSA's operating deficit for Cayman Airways, Limited at the end of the two months was $190,635.

Now I can remember very well, I have a good memory, and I cannot remember any Member of this House, or any one of the public raising the issue that for those two months you had lost that amount of money. I never heard any person speak about it. That was funny.

At the end of 1977 the outstanding shares in Cayman Airways were 367,500. Issued were 183,750, with 110,250 to the Cayman Islands Government and 73,500 to LACSA, that is when the break took place, that was your capitalization of the Company. At that point, due to all of the things that had happened, we had been held to the point that we had to negotiate literally with a gun at our head, and we had to agree to pay LACSA $2.50 for every share that they had in Cayman Airways, Limited. At that point the shares on the balance sheet were worth about .18¢, but they are very good friends to us, they even put their arms around your shoulder when you pay them the cheque. I never heard any Member question that one either.

In 1976, Government paid $67,500 for additional shares in Cayman Airways. In September of 1975, just to give you some comparative figures of what I will be giving you later on, Cayman Airways lost $115,607.09; October of 1975, it lost $58,973; November of 1975, it lost $40,193.43. Again, no one questioned it, because it was a Company, we could not question it. In July of 1976, we paid LACSA for the lease of the plane $303,804.35.

In August of 1977, we paid them for the lease of the plane $162,579.94. October and November of 1977, we paid them $335,766. The 1st of March, 1977, owing to LACSA was $494,530.96; the 1st of August, 1977, owing to LACSA was $268,651.06; the 1st of December, 1977, owing to LACSA was $429,003. These are some of the losses that were sustained during the operation, but I have never heard one person mention it, or question it. In 74 months - 6 years and 2 months, from 1972 to the 30th of November, 1977, we paid LACSA for the rental of the plane CI$10,887,650, plus about $3M for insurance, the use of their personnel, management fees, professional fees, technical fees, accounting fees, statistical fees, at an average cost per month for rental of $147,130.

Now these same people are wondering, questioning, the point of the Government giving a guarantee of $10M to buy four planes, but they never said a word when in 6 years and 2 months they paid out CI$10,887,650 for a seat belt. I believe they did give us one before they left.

HOUSE SUSPENDED FOR FIFTEEN MINUTES

HON. JAMES M. BODDEN: The financial year for Cayman Airways, Limited used to end on the 30th of September in each year, (there was one done in September of 1977 and there was another one done on the 30th of November, 1977). The reason for that was that Cayman Airways became 'Cayman, it is owned' on the 1st of December, 1977, and at that date the shares that I previously stated were worth on the balance sheet approximately .18¢ each. We had to pay $2.50 for each of their shares; I had previously given you the figures on different losses, but on

HON. JAMES M. BODDEN (CONTINUING): the 30th of November, 1977, with what losses had been built-up from the inception of Cayman Airways until that date and with the purchase of the shares of Cayman Airways from LACSA, the Cayman Islands Government owed LACSA CI$790,000, that is right close to US$1M. And giving the figure of US$1M here, because it was about that time that this Legislature voted a guarantee to $1,500,00. Many questions have been asked, many rumours have gone astray concerning that $1,500,000; I was even supposed to have at one time, given some of it to a cheque, I think it was $250,000 to somebody for a plane, and that was supposed to be the down payment, and he had gone and we had gotten no plane. We have had all of these rumours, but this will tell you where a part of it went to - CI$790,00 went to pay LACSA.

At that moment again, I cannot recall anyone ever questioning how much the airline was in debt, how much losses there had been, what was due to LACSA, or nothing else, because those same people who would have asked these questions were terribly afflicted with that Central American disease they called the 'LACSA syndrome', so no questions were asked.

At that point we took over a Company with a capital of $35,000 approximately; I do not have the approximate figure, I apologise for it, it was just a few dollars over that figure. A Company of approximately $35,000 worth, because we had nothing, the seat belts had gone, and we borrowed with the help of the Government US$1½M. We used that to pay LACSA and to pay other bills as it went along and some of it stayed there until a few months ago, then later on I came to the House, and I think it was a guarantee of $5½M that the House approved. That was approved to buy the first jet. $3½M, I think was the figure, or something in that neighbourhood that we paid for Cayman Victory. I brought an appraisal to the House sometime ago, which was done by Avmark, which is looked on in the aviation world as an expert, which gave the value of that aircraft on the present market at over $4M. $1½M of that money was used to buy spares. Now these spares are kept mainly in Miami, and we keep changing them, we take out some, we put some back in, we take some of them, we send them off, we have them reconditioned, and that is why the inventory continually builds up.

Later on I came back to the House and I brought another Motion, which amalgamated the first loan and the second loan into one; that was for US$10M. That is the money that was used to buy the third plane and some spares. Up to that point the capital of Cayman Airways, Limited was still represented by the $35,000 that it was worth when we took it over from LACSA, minus the losses which we had incurred since that date. So here we had a Company that actually owned nothing, the assets had been depleted, and we were borrowing on that Company about $300.00 for every $1.00 of paid up capital. Is there any wonder why we should inject additional money into Cayman Airways, Limited? It is a wonder, to be frank with you, that the bank loaned it any money, and if it had not been for the guarantee of the Government it would not have been lent, because the Company's assets were depleted.

Before I go any further I want to compare this to something. Cayman Airways, Limited operates in a similar manner to the Port Authority. All of you people are familiar with the money that was voted to be spent by the Cayman Islands Government out of its resources to put in the dock; you are familiar with the land that was put in to that venture, you are familiar with the price which that type of land brings on the commercial market. It worked out to where Government had invested in the dock, in proportion, roughly in cash and in kind, $45.00 for every $55.00 it borrowed. Yet in the case of Cayman Airways, Limited, under similar conditions something in my opinion, very vital to the country, it would be hard to say really which one is of the most importance, and people would falter from their duty in wanting to see that this Company is stablized. It is just because the name Cayman Airways, Limited makes a good political football. Well let me tell you I can kick that football as hard as anybody can on any other side.

Unaudited figures of Cayman Airways, Limited for October, 1976 reveal the following:- October of 1976, Cayman Airways, Limited lost $54,944; November of 1976, there was a profit of $10,926; December of 1976,

HON. JAMES M. BODDEN (CONTINUING): a profit of $9,406. In January of 1977 there was a profit of $71,754; February of 1977, a profit of $60,526; March of 1977, a profit of $64,401; April, 1977, a profit of $59,262; May, 1977, a loss of $46,247; June, 1977, a loss of $27,393; July, 1977, a loss of $32,108; August, 1977, a loss of $14,089; September, 1977, a loss of $41,679; October, 1977, a loss of $80,444; November, 1977, a loss of $27,434.

This is the normal way that the airline operates up until today. You make a profit one month and the next month you probably will make a loss, but these losses that I am mentioning here today were full operational losses, these do not represent any payment towards equity, it does not represent any armortization of the equipment, it does not represent any depreciation of the equipment because you owned none, you could not depreciate something you did not own, but in the figures of Cayman Airways, Limited under the present system when you hear of the losses, in that is also the figure for the depreciation of the aircraft which can actually be considered as still an asset.

During the last year of our operation of Cayman Airways, Limited with LACSA, the operational costs increased by 22%. I never heard a Member of this House ask a question about that, why the operational costs were increased, did they have too many staff - and they had Costa Ricans in it, not a Caymanian. Nobody cared about that.

Much has been made about the new lease deal with LACSA when the rate was changed to a flat fee per hour and they paid us nothing for the use of the plane. October, 1976 to 1977, the flying operation costs reduced to $368,458 over the period of May to September of 1976. This was due to low lease back to LACSA, which meant that Cayman Airways, Limited earned 10.9% more revenue, but it lost $458,649.95 in the lease back from LACSA. Assuming the same use by LACSA during October to February, as in May to September, this shows a difference of $90,191.95, and if you assume that the same time was flown, and the same traffic increase of 10.9%, then Cayman Airways, Limited would have given up in income $458,649.95 for a return from LACSA of $244,243.17, so LACSA saved $214,406.78.

I remember this was one of the few times that my colleague and myself were ever able to get any information out of the House when we were asking questions, and I remember the many questions we posed on that particular item, the answers that we got and how beneficial it was, and what a good deal that LACSA had done for us. But you can take the balance sheets, I have copies of every one of them in there and you can go through them, and this is what it will reveal to you, so that is what they did good for us. We did not spend with them as much money, but we did not get any of theirs back either.

Direct flying operations costs with LACSA during May of 1976 to February of 1977, averaged 52.87% of gross income; indirect costs, or approximately 46.26% of the gross income. So why should they worry so much today that Cayman Airways, Limited is costing money? It cost it back then too, and you had no control and you had nothing to show for it. The direct and indirect costs per hour while under the lease back to LACSA was CI$1,442.43 per hour.

The Cayman Brac operation..... Mr. President, it is 4:30 p.m., I do not know if you want me.....

MR. PRESIDENT: Under Standing Order 10. (2), I have to interrupt the Honourable Member, but any unfinished business stands carried over until tomorrow under Standing Order 10. (5).

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. TOMORROW.

SECOND MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON FRIDAY, 20TH JUNE, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.M.G. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V.G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

**MR. D. DALMAIN EBANKS*	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. J. GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN V. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
**MR. GEORGE C. SMITH*	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
**CAPT. K.P. TIBBETTS, SR., J.P.*	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
**MR. CRADDOCK EBANKS, J.P.*	*MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

**ABSENT IN THE P.M. - MR. D. DALMAIN EBANKS*
MR. GEORGE C. SMITH
CAPT. K.P. TIBBETTS, SR., J.P.
MR. CRADDOCK EBANKS.

ORDERS OF THE DAY

FRIDAY, 20TH JUNE, 1980

(SECOND DAY)

1. *PRESENTATION OF PAPERS -*

   (a) *DRAFT SOCIAL SERVICES POLICIES, RULES AND INFORMATION - TO BE LAID ON THE TABLE BY THE HONOURABLE TRUMAN M. BODDEN, MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.*

   (b) *DRAFT PUBLIC HEALTH LAW, 1980 (REVISED) - TO BE LAID ON THE TABLE BY THE HONOURABLE TRUMAN M. BODDEN, MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.*

2. *QUESTIONS:-*

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

NO. 26: Will the Member state the cost of the survey and the financial implications of the recent Salaries Commissioner's report?

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

NO. 27: Will the Member state whether certain property on the sea coast of West Bay and presently owned by the United Church of Jamaica and Grand Cayman of West Bay has been purchased or will be purchased by the Government? If the property is to be bought, the price thereof.

NO. 28: Will the Member state Government's policy concerning the dredging of sand and marl in certain areas of the sea in the Cayman Islands?

3. *GOVERNMENT BUSINESS:-*

   (i) *BILL :-*

   (a) *THE PENSIONS (AMENDMENT) LAW, 1980 - COMMITTEE THEREON*
   REPORT THEREON
   THIRD READING

   (ii) *GOVERNMENT MOTIONS:-*

   (a) *GOVERNMENT MOTION NO. 5 - SUPPLEMENTARY EXPENDITURE - (Continuation of debate).*

   (b) *GOVERNMENT MOTION NO. 6 - SWAMP LANDS - TO BE MOVED BY THE HONOURABLE G. HAIG BODDEN.*

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FRIDAY 20TH JUNE, 1980

10:00 A.M.

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

DRAFT SOCIAL SERVICES POLICIES, RULES AND INFORMATION - LAID ON THE TABLE

HON. TRUMAN M. BODDEN: Mr. President, under Standing Order 18 I hereby present to this Honourable House a paper entitled "Draft Social Services Policies, Rules and Information".

Under the sub-order (2) of that I propose to make a short explanatory statement of its contents with your permission.

Mr. President, this is the third and last of the policies and rules for the portfolio for Health, Education and Social Services, the other two followed sometime before, and I am pleased to report that following closely on this will be the internal handbook for the schools which is now drafted and is moving through the process of being looked at, and if necessary criticized before it is finally made into, what I hope will be a loose-leaf manual form.

The Hospital policies have been in force for sometime and we now have the Administrator, and the by-laws which have also been drafted for sometime to deal with the internal workings of the medical profession as a whole are now being looked at by the new Administrator or will be shortly, and I also hope to get those brought in.

This last one, Sir, deals with a very important Department of the portfolio, and it aims to go through the democratic procedure followed with the other two policies by first being laid on the Table here, not asking the Members to make any decision or any statement at all on it. And from there, after it is made public, it is going now to be put to the public and a lot of copies of these will be available. I have asked in it, Sir, that anyone who has any suggestions, alterations, constructive criticism would let me know by the 15th of July, 1980. And I would ask that this be done, for any recommendations to come, after this policy is made, could by no means be regarded as constructive, and I would believe that with the amount of time given anybody who is genuinely interested in this will come back to me either orally or in writing or at the meetings that will be held in relation to it, and that they would make me know prior to the making of these policies what is objectionable or what they would wish to see in here.

I have stated in this, Mr. President, that only by competent, full and thorough policies and internal guidelines and rules implemented and developed in a timely way can there be continuity and stability brought within the portfolio. To follow on this, the next logical step will be to turn out plans, probably, five year, three year or seven year plans, whatever fit the specific departments at the end of which I believe there will be a standard and systematic system or administrative system brought to the departments. It has worked well with the schools so far, which are advancing quite well, the Hospital is still in the early stages, but it is advancing.

And now, lastly, I have these policies. The policies have been made on the advice of a committee which is set out in the introduction to it. My statement that the aim of the policies is to ensure that in the Islands no adult or child is without the basic necessities is a genuine statement, but it is qualified, Mr. President, by the statement that the portfolio does not intend to tolerate any abuse of the necessary poor aid relief or any of these policies by persons who are capable of providing or receiving the basic necessities applied for. And I would like to stress that, because anyone who is capable of making provision or having provision made within their family for themselves, they must take that course first and not resort to Government's relief unless they have exhausted their private resources.

Lastly, Sir, I know that this is getting near to the elections, but I would ask the public, and I know that this House will look constructively at these policies, and to look at them not in

HON. TRUMAN M. BODDEN(CONTINUING): the light of the coming elections, but what is good for the Island , and anyone who genuinely can show me any areas that this can be improved, I am very happy to alter it to bring in those improvements. On the other hand I would hope, even though this is expected I guess in every democracy, that the criticism will not be destructive but will be constructive, and when problems are pointed out in it solutions along with those problems will be suggested.

With that, Sir, I commit this to the House and to the public, and ask for their support and their help in finalising these draft policies. Thank you.

MR. PRESIDENT: The paper on Draft Social Services Policies, Rules and Information is ordered to be laid on the Table.

PAPER WAS LAID ON THE TABLE

HON. TRUMAN M. BODDEN: Mr. President, on the agenda,and quite rightly is another paper, the Draft Public Health Law, 1980 (Revised).

However, I am in some difficulty, Sir, I do not as yet have that paper, and I hope to have it later on today. It is fairly long, Sir, and it is taking somewhat longer to have it prepared in the form which I feel this House would require it in, and I would ask you, Sir, that perhaps at a later stage, once I have this, if I may circulate it and also be permitted by you, Sir, to lay this on the Table and make it public, Sir?

MR. PRESIDENT: The Draft paper on Public Health Law, 1980 can be laid at a later stage when Government Business appears on the Order Paper or if we are still sitting on Monday,it could be laid on Monday morning.

Proceed next with questions.

QUESTIONS

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

NO.26: Will the Member state the cost of the survey and the financial implications of the recent Salaries Commissioner's Report?

ANSWER:

The estimated cost of the survey and financial implications of the recent Salaries Commissioner's Report is as follows:-

(a)	Salaries Commissioner's expenses	CI$ 12,485
(b)	Estimated cost of salaries recommendations	760,000
	TOTAL	CI$772,485

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

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

NO. 27: Will the Member state whether certain property on the sea coast of West Bay and presently owned by the United Church of Jamaica and Grand Cayman of West Bay has been purchased or will be purchased by the Government? If the property is to be bought, the price thereof?

ANSWER:

Government is negotiating with the proprietors of Parcel No. 5B 163 in West Bay to purchase the property. Government has offered $20,000 for the parcel.

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

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

NO.28: Will the Member state Government's policy concerning the dredging of sand and marl in certain areas of the sea in the Cayman Islands?

ANSWER:

The Natural Resources Study recommended that marl and sand could be removed from the sea in specified areas where ecological damage would be minimal.
With the increasing demand for marl and sand, Government has invited proposals from interested persons to carry out dredging operations.
A licence will be granted to a competent person or company.

MR. PRESIDENT: If there are no supplementaries .....

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, I was waiting to see if he was finished. If I may ask the Member, what areas have been recommended for the dredging of this marl and sand?

HON. G. HAIG BODDEN: The Natural Resources Study recommended that marl and sand could be taken from certain areas of the North Sound, and that sand could be taken from any area of the south side of the Island from outside of the reef. I think the areas there were probably around Pedro Castle and off Spotts.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Could the Member say as to what might be the estimated amount of marl that would be required by an applicant before considering granting this franchise?

HON. G. HAIG BODDEN: I would say it is probably a substantial amount. For it to be worthwhile as far as the operator is concerned, it would probably be in the vicinity of half a million cubic yards or something like that.

MR. GARSTON J. SMITH: Mr. President, with your permission I would like to ask one supplementary. Could the Member say whether or not Government would have control of the distribution of this sand and marl?

HON. G. HAIG BODDEN: What is proposed is that the operators would dredge the material and stockpile it. It would then be distributed by the people that are now in the trucking business, and sold at a price that would be agreed upon by Government and the operators at the time of entering into the licence to dredge.

MR. CRADDOCK EBANKS: Mr. President, one further supplementary. Could the Member say at this time if there have been any interested applicants?

HON. G. HAIG BODDEN: Several applications have been received. In the notice that was put out the applicants have been given until the 30th of June, 1980 to put in their applications. When that date has been passed

HON. G. HAIG BODDEN (CONTINUING): Government will then examine all the proposals that have been received and offer a licence to the person or company that Government feels would be most suitable to carry out proper dredging operations.

MR. JOHN B. McLEAN: Mr. President, a further supplementary. Will the Member say what percentage will be paid to Government in royalties?

HON. G. HAIG BODDEN: No agreement has been reached by Government as to the exact royalty, and if Members have any suggestions on the royalty we should ask, I would welcome them and you could either phone them into the office or send them to me in writing. There are certain things that could be considered besides or in addition to a specific royalty, for example, Government may consider receiving fill for Public Works at a specified price. There are different concessions that could be made that would compensate or would influence the royalty, and no firm decisions have been taken on this, but if Members have any specific royalty, so much per cubic yard or so much on the sale price we would welcome those ideas from the Members.

MR. CRADDOCK EBANKS: Mr. President, if I may offer just a suggestion. I wonder if an issue as important as this, if it would not be reasonable for all Elected Members to meet in an informal manner and discuss this before the 30th June, 1980 -(the matter of royalty, etc.). I do not know how the Member would feel about that.

HON. G. HAIG BODDEN: I would certainly welcome an informal discussion with Members on it, and if Members so desire when we get around to considering this before any licence is actually issued we could have an informal meeting.

MR. GARSTON J. SMITH: Another supplementary, Mr. President. I think the answer given to the North Side Member was that this dredging would be carried out off Pedro Castle and in the North Sound .....

HON. G. HAIG BODDEN: Whether it is so .....

MR. PRESIDENT: One Member on his feet at a time, please.....

MR. GARSTON J. SMITH: Could the Member say whether sand will be dredged on the south side and marl in the North Sound?

HON. G. HAIG BODDEN: What the survey showed was that both marl and sand could be found in the North Sound and that sand alone was found on the south shore, so there is a possibility that both sand and marl may be dredged from the North Sound.

MR. PRESIDENT: If that exhausts supplementary questions we can take question time to be closed.

The Assembly will now move into committee to examine a Bill intituled "The Pensions (Amendment) Law, 1980".

THE PENSIONS (AMENDMENT) LAW, 1980

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. ADDITION OF NEW SECTIONS 17A, 17B, 17C and 17D TO THE PENSIONS LAW. CAP. 121.

QUESTION PROPOSED:

MR. CHAIRMAN: I would bring to Members' attention that this

MR. CHAIRMAN (CONTINUING): Clause includes the whole of the rest of the Bill so that they should, if they have any points to raise on any of the sub-sections or sub-clauses of the Bill they have to be raised under Clause 2.

HON. TRUMAN M. BODDEN: Mr. Chairman, I think yesterday a question was raised about the age in relation to a child under a physical disability, I think the Second Elected Member for George Town raised it. I am just wondering if he wanted to pursue that?

MR. GEORGE C. SMITH: Yes, Mr. Chairman, I was hoping that the Attorney General made note of it, I was just hoping he would come up with something, and I thought he would just add it for us.

HON. V.G. JOHNSON: Mr. Chairman, I think in the reply I stated that we had gone over the extent of the Bermuda provision of a limit of seventeen years of age to recommend eighteen years of age, and that the case that was put forward by the Honourable Member from George Town would appear to be one that would need to seek some other form of support outside of the Pensions Law, but it seems to be a very complicated thing to include provisions for that particular type of case.

MR. GEORGE C. SMITH: Mr. Chairman, I would feel a lot better, Sir, if it was included in the Law, because I think to leave it open it would be left to some other service, organization, or some other group. I think we should state in here specifically that if a child on attaining the age of 18 is physically disabled or afflicted or whatever the case may be, he will be paid or the pension money will continue until a time when the doctor or some other person can state that he is capable of taking care of him or herself.

HON. JAMES M. BODDEN: Mr. Chairman, I feel strongly on this point myself, it is a point that my colleague here from Bodden Town and myself have argued in this House from 1972, and as we are going this far the additional expense to Government would not be that much more, because it would be a very rare case, this type of thing, but yet it would ensure support for the family.

CAPT. K.P. TIBBETTS: Mr. Chairman, I too would like to support the idea of putting in some clause here that would clarify that. I feel that, as the Member from Bodden Town has just said, the amount of money involved would not affect us that much, and it would really give our Civil Servants a chance to know that if they have an afflicted child, retarded child or whatever the case may be that after they are deceased they will be taken care of, and I strongly support that we should definitely put in something here while we are debating this Law.

MR. CRADDOCK EBANKS: Mr. Chairman, if you will remember I did take a view of this myself yesterday, and while I would think that probably it might be fifty or seventy-five years and we might not have a case such as this, but I do feel that there would be no harm in making the provision in case there is an unfortunate position or situation of a child whose parents were drawing a pension and eventually died. As I have said, I do not think any of us look forward to seeing such a case. So I would like to see some amendment put in here that would make this possible, should such an event occur.

HON. V.G. JOHNSON: Mr. Chairman, it seems to me that there is no proposal for the amendment before this House and that it could very well form the basis of another amendment to the Law whenever the Legal Department can prepare proper wording for it. But there is a procedure really for amending a Bill, notice has to be given and the actual wording has to be put forward and this has not been done in this case.

MR. CHAIRMAN: Is the Honourable Member informing the House that an Amendment will come forward or merely saying that this could happen if the House so agrees?

HON. V.G. JOHNSON: Well, if this is the wish of the House, Sir, it could come forward.

MR. GEORGE C. SMITH: Mr. Chairman, I think it is the wish of the House, it would be a matter of having the Attorney General draft the appropriate amendment.

HON. DAVID R. BARWICK: I think it would be true to say, Sir, that normally the question of disabled adults would fall to be dealt with under other social legislation other than the Pensions Law, and there are a number of different situations which would have to be taken properly into account, I think, before a suitable proviso could be added to the very short proposed Clause 17D. Would it mean partial disablement or would it mean total disablement? Would it only continue while the disability continued? There may be other relatives who are equally responsible for the maintenance and care of the disabled person. Is it right that the full burden of that should be thrown on to the pensions scheme? It seems to me that a number of points have to be considered in framing the amendment.

The wish for the amendment has been expressed without any prior notice, the administration has had no opportunity to consider the frame into which the exception to the rule is to be cast and financial implications, and matters of that sort. I myself would hesitate to prepare something without putting more consideration than a few moments in the course of this committee stage debate would allow. But if it is the will of the House, I do not see why we cannot deal with that as a normal amendment of the Law and bring it down at the next sitting after the administration has had time to consider all the implications of it.

MR. GEORGE C. SMITH: Mr. Chairman, it would appear to me, that the learned Member is really looking further into the situation what the House is taking into consideration. It appears to me that we are making provision for the child to receive money that his parent or guardian has worked for, and it again appears to me that it is a very small amount of money that we are looking after and it really should not be any complications in making the amendment.

MISS ANNIE H. BODDEN: Mr. Chairman, if we have to amend this Law that is quite customary, Sir, because in other Laws we have had to amend them sometimes before the ink even dries. So I feel, that if this is the wish of the House that some stipulation should be made in regard to these handicapped children, because you never know who might have handicapped children - I understand that this genetic study has proven that there are a lot of handicapped people, and one of these days, you never can tell, we could have in our Government people who have produced handicapped children. And I know of instances where some of the brainest people in the Islands have had handicapped children, not one, two, but as many as four, and I think some stipulation should be made.

CAPT. K.P. TIBBETTS: Mr. Chairman, I do not see that we really have too much to worry about with this, I feel like the few words I have written down here could be added to this section and clear up the whole matter. 17D says, "Any pension to a child shall cease on his attaining the age of eighteen years". I would put a comma (,) there instead of a full-stop (.), "unless he is declared not capable of providing for himself". And those few words I believe could make this Law to the desires of this Assembly, and I would really hate to see this Law go into effect without that proviso being there.

I can think of so many retarded children, and they do not come from any specific family or any such thing. I know of a case, I have a cousin that I would venture to say is the highest paid Caymanian alive, he is the senior inspector for Texas Instruments and he has a son

CAPT. K.P. TIBBETTS:(CONTINUING): who is completely retarded, so this happens to one and all it does not happen to just a few specific people. And if he was working for the Government, I am sure he would feel bad to know at his decease this child would not be taken care of, although he may have accumulated enough money in his lifetime to take care of that child. But when Civil Servants work for the Government, I feel that they should have that protection, and I strongly support that some amendment, if not what I mentioned here, that some amendment should be put into this section to make it clear and mandatory that it should be done.

MR. CHAIRMAN: Could the Honourable Member repeat the wording of his proposed amendment?

CAPT. K.P. TIBBETTS: I added after eighteen years, "remove the full-stop (.) and put a comma (,) unless he or she is declared not capable of providing for themselves".

HON. JAMES M. BODDEN: Mr. Chairman .....

HON. DAVID R. BARWICK: That of course begs the question "declared by whom?" It also seems to me that we have to be careful to make sure that any continued pension would only be paid during a period of disability. Is it to be a basic disability or can it be a temporary disability? A person may not be capable of caring for themselves, merely because they are ill for a period, it may be a temporary illness, it may be an illness that goes on for a year or two. I am not, Sir, resisting the will of the House, I am just trying to point out that it could be a mistake to put down something that has not been considered to some extent. We could provide - I think, that there would be an exception to the principle laid down in the new section 17D during such time, say, as yourself as the officer responsible for administering the Pensions Law were satisfied that the child was subject to a total disability; or is it to be a partial disability, and if so, how big is the part? I think we have got to think about these things instead of just gliding over them. Is it intended to be a permanent disability or a temporary disability, a total or a partial disability?

HON. G. HAIG BODDEN: Mr. Chairman, I think we could use the Member's from Cayman Brac, we could use his idea and say, "unless the child is totally disabled" and we could put a definition in the Law as to spell out clearly what is 'a state of total disability' to make it abundantly clear that it would be a state in which the person is either mentally or physically incapacitated to such an extent that the person would be unable to care for himself.

HON. JAMES M. BODDEN: Mr. Chairman, I would propose this type of amendment to it. After the word, "years", "unless on reaching this age such child is adjudged by the Chief Medical Officer to be mentally retarded or physically incapacitated to an extent of at least seventy-five percent of his normal functions until the cessation of such disability or his or her death".

HON. C.L. KIRKCONNELL: Mr. Chairman, after eighteen years, I would suggest to put a comma (,)"except a person who suffers from a permanent, physical or mental disability as determined by the Chief Medical Officer".

MR. CHAIRMAN: I would remind Members that normally under Standing Order 52 (2), two days notice of any amendment has to be given for amendments to be made in committee, except with leave of the Chairman. We are getting a number of amendments proposed, none of them, I think have been moved formally yet, it is really for the House to come to some decision if an amendment is to be made, which is the one they favour, then it can be put as a formal question with the leave of the Chairman.

HON. D.H. FOSTER: I was just wondering if it would not be a good chance to just adjourn for about ten minutes and give the Second Official Member a chance to come up with something in consultation with the mover of the Bill.

MR. CHAIRMAN: I suggest that we suspend for ten minutes to let the Honourable Second Official Member consider what has been said. I think it would be valuable before that, if there is a clearer expression from the House so that the Honourable Attorney General knows what he is expected to draft.

HON. TRUMAN M. BODDEN: Mr. Chairman, perhaps if I could just follow-up, and I realise the complexity that the Attorney General has mentioned, but the question that we have to decide, is it going to be a total incapacity, a total disability or only a partial one. And I think that it would be more fair if it is a partial disability which the Governor in his discretion is satisfied is a serious permanent partial disability, so that there need not be a total disability, but if the Governor is satisfied with the serious permanent partial disability. And secondly, I think there are two limbs of this, there is a mental incapacity and physical incapacity or partly one or partly the other, and I believe we would want it to cover, if possible, both of those because we do have people or children who suffer from a mental incapacity but very little physical and vice versa even though it is a rare case.

I think the third point is, when does the benefit cease? Is it cessation upon the disability or when the Governor is satisfied that the person comes outside that category of disability - (which I think is the way it should perhaps be) - or upon death provided that the disability continues until that time? I think they are probably the three main areas of it, even though I agree with the Attorney General, the Second Official Member, that a bit of thought has to be put into at least those three main areas. I think the simplest way is, if we can have it with a certificate from yourself, Mr. Chairman, as Governor, it would simplify the drafting of it so that there would be a certification within the Law on these three main areas. I do not know if the House feels that that seems reasonable.

HON. DAVID R. BARWICK: One further consideration may be, the disability should be one existing at the time the child reaches the age of eighteen and not one arising later in life. A disability can arise of course from an accident as well as something that is inherent. Would we want forty or fifty year old children of Civil Servants injured in a motor accident coming to claim a pension?

MR. CRADDOCK EBANKS: Mr. Chairman, all I was thinking in terms of was born disability - I mean when one is born disabled, one could be without hands, without feet or something or the other - the mentality .....

HON. DAVID R. BARWICK: I cannot hear the Member, Sir.

MR. CRADDOCK EBANKS: I said, I was thinking in terms from the birth of one being disabledor they could be without hands or feet or something or the other, the mentality might not - it was not the matter of coming somewhat disabled after reaching an age or something, I was thinking in terms from birth. And as years go on, through medications it is proven that he or she will never be able to take care of themselves, that was my view of it, Sir.

HON. V.G. JOHNSON: Mr. Chairman, another point which I would like the Attorney General to consider is, disability at eighteen should have no earning capacity, because a person could be partially disabled and still has an earning capacity.

MR. JOHN B. McLEAN: Mr. Chairman, I think we have a good example right here in Town, we had a Civil Servant who is now deceased, Mr. Eddie Parsons. Just suppose that he did not have a son who was able to look after those dummies as we call them, what would happen then? I do feel that it would be a good place for us to put something to cover people of that sort.

MR. CHAIRMAN: I think this would perhaps be a convenient time to suspend proceedings, and hopefully on his return the Honourable Second Official Member may have a proposal to put for an amendment. I will suspend proceedings for twenty minutes.

MR. CHAIRMAN: Proceedings in committee are resumed.

HON. V.G. JOHNSON: Mr. Chairman, the proposed amendment as directed by this Honourable House as a proviso to 17D has been circulated to Members, I think there is a further proposal for an amendment in the second to last line to remove the words "from birth" and replace those by the words "at the age of eighteen years". So that the amendment would read:-

> "Provided however that the Governor may direct that any such pension shall continue to be paid where and during such time as the recipient is, in the opinion of the Governor, disabled, either partially or totally by reason of mental or physical incapacity existing at the age of eighteen years, from providing adequately for himself".

MR. CHAIRMAN: Well, it is proposed that Clause 2 of the Bill be amended by inserting a proviso at page six of the Bill after the words "eighteen years" in 17D of what will be included in the Pensions Law. Inserting the words, "Provided however that the Governor may direct that any such pension shall continue to be paid where and during such time as the recipient is, in the opinion of the Governor, disabled, either partially or totally by reason of mental or physical incapacity existing at the age of eighteen years, from providing adequately for himself". The motion is open for debate.

QUESTION PROPOSED:

HON. D.H. FOSTER: I think that adequately covers it now.

MR. JOHN B. McLEAN: Mr. Chairman, I think that is so, but I think we need to make a further amendment in the section that says, "any pension to a child shall cease on his attaining", it does not refer to the female. What happens in the event of a female?

HON. DAVID R. BARWICK: It is a normal principle of parliamentary interpretation, and it is provided in the Interpretation Law itself that references to the male person in the statutes includes references to the female person.

MR. CHAIRMAN: If there is no further debate I will put the question that Clause 2 be amended as set out in the paper circulated to Members.

QUESTION PUT: AGREED.

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

QUESTION PUT: AGREED. CLAUSE 2 AS AMENDED WAS PASSED.

CLERK: A LAW TO AMEND THE PENSIONS LAW (CAP. 121).

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes proceedings in committee. Proceedings will resume.

THE HOUSE RESUMED

THE PENSIONS (AMENDMENT) LAW, 1980

REPORT THEREON

HON. V.G. JOHNSON: Mr. President, I have to report that a Bill entitled "The Pensions (Amendment) Law, 1980" was considered Clause by Clause by a committee of the whole House and passed with the following amendment:- Section 2 at the last page, page 6, sub-section 17D was amended by the following words following the words "eighteen years". "Provided however that the Governor may direct that any such pension shall continue to be paid where and during such time as the recipient is, in the opinion of the Governor, disabled, either partially or totally by reason of mental or physical incapacity existing at the age of eighteen years, from providing adequately for himself". And the whole of that sub-section now would read, Mr. President:-

"Any pension to a child shall cease on his attaining the age of eighteen years provided however that the Governor may direct that any such pension shall continue to be paid where and during such time as the recipient is, in the opinion of the Governor, disabled, either partially or totally by reason of mental or physical incapacity existing at the age of eighteen years, from providing adequately for himself". That is all of the amendments, Mr. President.

MR. PRESIDENT: The Bill has been duly reported and is set down for Third Reading.

THIRD READING

HON. V.G. JOHNSON: Mr. President, I beg to move that a Bill entitled "The Pensions (Amendment) Law, 1980" be given a Third Reading and passed.

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

CONTINUATION OF DEBATE ON GOVERNMENT MOTION NO.5 - SUPPLEMENTARY EXPENDITURE

HON. JAMES M. BODDEN: Mr. President, yesterday when I began to speak on this motion, I said that my speech would probably be somewhat disjointed, because these two speeches had been prepared to be given to the House previously.

Many times in my speech yesterday I alluded to the fact that in the previous existence of Cayman Airways, regardless of its condition no one raised any points about it, no questions were asked. I spoke on that several times because I was trying to lay the ground work for some of the rest of my speech. I was attempting to show this Assembly and the public that the very people who are now stirring up the public in regards to Cayman Airways were the people previously who would not allow anything to be known about Cayman Airways. This Assembly is fortunate, the public is fortunate, although we have been accused of everything under the creation, we have not held back the statistics and the facts about Cayman Airways.

With your permission, Mr. President, I would like to quote from the Hansards of this House, December the 12th, 1975. My colleague and myself brought many motions to this House in the previous four years, we brought many questions to the House, and this that I am going to read is the printed word, is the Bible of this House and this is what the Members said in this House on the 12th of

HON. JAMES M. BODDEN (CONTINUING): December on a Friday, it was not the 13th either, it was the 12th of December, 1975. When Haig presented the motion the Honourable Attorney General at that time, Mr. Waddington, would not even wait until he had finished his introduction. As my colleague started to speak on the motion and present it he got up and said the following:-

> "Mr. President, may I on a point of order at this stage, submit that this motion is one in respect of which there should be no debate. The rules as regards the form of questions, Mr. President, are laid down in Standing Order 25, and although Standing Order 25 has no reference to questions dealing with the internal affairs of a private company, we are nonetheless bound by the procedure, by the Standing Orders and practice and procedure of the Commons House of Parliament, under the Standing Order 75 and it is clear, Mr. President, from a reference to May's Parliamentary practice that such questions are not permitted in the Commons House of Parliament".

The President, did not completely agree with the Attorney General, and he said "I would like to hear the mover of the motion's comments on that submission before I take a submission". And we went on and then there was a ruling. I will now quote what one of the former members of Executive Council, the Honourable A.B. Bush, who was in charge of this portfolio at that time said:-

> "As has been said in this House many times concerning questions asked about the operations of Cayman Airways, of which Government is a shareholder, it has been emphasised that it is a limited liability company of which Government is a shareholder and the answer to the question, I think, was somewhat in the proper way, to be consistent with what has already been said in this House about Cayman Airways. It is only a shareholder, and as a limited liability company under the law it manages its own affairs. I have no right, Mr. President and Members, even though I am the Member responsible for Communications to demand from Cayman Airways any such things as what were asked in the question, and I think it is most improper to divulge any of the internal happenings in Cayman Airways to be made public here in this House".

Now is there any wonder, Mr. President, that Cayman Airways had the problems in the past and had the types of agreement that I read in this House yesterday, when the Member who is charged with that responsibility tells the House that it would be improper for him to enquire into the affairs of the airline, and at the time he was a director as well as being the Member in charge.

One other Member attempted to be very fair and said, "we should always try to reflect a good picture of the operations on the outside and endeavour to take care of the problems behind closed doors". Now these closed doors will come up several times in this discussion, and this is what I want to put to you, the Legislative Members today as well as the public at large in this country. Can you consider at the present time that Cayman Airways is being operated behind closed doors when every nook and cranny in the land that these people can stick their heads in and be like ostriches, they are commenting about Cayman Airways?

One former Member stated, this Member was from West Bay -"I do not believe that actually there is any Member in this Chamber who would want to see Cayman Airways fail, and I believe that while we are entitled to a lot of things that go on I certainly believe and subscribe, Mr. President, that in the future whenever there are problems of this nature that this Legislature could meet behind doors and discuss these problems, because I am assured that they could do Cayman Airways no good." Why would not these same people practice what they preach, would not it be much better instead of tearing down something that has been built for the good of the country to go back and take the attitude they took against us in 1975?

This same Member goes on in speaking about some record of Cayman Airways that had appeared in either - I doubt it was the Northwester that he was mentioning, no, it was last week's paper, so it must have been the Compass. "When you stop to think of the competition which

HON. JAMES M. BODDEN (CONTINUING): Cayman Airways faces I believe that this type of publication and information is most damaging to the National Carrier of the Cayman Islands." National Carrier of the Cayman Islands on paper with Lacsa taking the extension cord and plugging it in, and he will dance to the tune. He goes on to say,"I do not feel that we should be divulging the internal affairs of the company".

Another Member of this former House, the Honourable Benson Obadiah Ebanks had this to say:-

> "Mr. President, I did not intend to say anything on this motion but I will reinforce what has been said. Cayman Airways is a company registered under the Companies Law of the Cayman Islands and the fact that the Cayman Islands Government owns 51% and it can be argued that that puts the people as the owner, but does not bestow on Members of the House, the general public or the Government any privileges which the Companies Law does not bestow on an ordinary shareholder".

Yet, if a roll of toilet paper is bought for the plane today they figure they should know the price of it, but at that time you could not even find out how much Government owned in it, and then they try to delude the public. How far will this dishonesty, how far will this roguishness go?

I am going to give you some more quotations from these same gentlemen. I cannot ascribe a name for this one at the present time, but I can say that it had to be one of the group that my colleague and myself and a few others of this House stood in opposition to in 1972 to 1976, but one member of that group said, "Any Government that is not in debt is no good . Afterall, eight million dollars is not much money nowadays". Imagine that, that was eight million Cayman dollars we were talking about, it was the consortium loan. Yet when we inherited in 1976 a national debt of about 7.6 million Cayman dollars and with an empty Treasury and I have tried to restore a balance of economic sense to this country, these people,they do not remember what they said, they did not think that my colleague and myself would dredge up the written word and bring it back to this House, and we will bring it on the platforms of this Island to tell the people.

A former Member from West Bay said, "Those days a man was probably fifty to sixty years old before he was able to live in his own home". What he has done today, he has bought time,he has negotiated a loan, built a home for his family and probably he will be the rest of his life paying for it. I would rather go through my life enjoying something and paying for it than to spend my life trying to get something and never achieve it. On this 8 million dollar project I appeal that we need to borrow the money. All of a sudden with a booming economy they say we should spend no money, do they hope we are going to leave it there for them twenty years from now when they get back in the Assembly to spend? No. If we put it in there we will spend it and we will spend it for the good of the country.

A former George Town Member said,"On the one hand we hear the cry for more and better services, on the other hand you hear we do not want to spend the money". And how are we going to get it to you, how are we going to get it? Do you expect someone to give it to you, so what is so alarming about Government borrowing money? That was in 1975, not even five years ago and those people were not alarmed about borrowing 8 million Cayman dollars at a time when I think the Budget probably did not exceed for the year 10 million Cayman dollars. It was not alarming, they did not worry about it and there was nothing in the Treasury, but they must alarm the people of this country, they must try everything they can to create dissension. These people should be ashamed of themselves if they have any shame.

A former East End Member said, "I cannot see any problems in the Government borrowing up to 8 million dollars". I am sure today that even if we leave a debt for our grandchildren to pay, once we provide them with the facilities to be able to make a livelihood of their own that they will be grateful for it. If you do not spend money you are not

HON. JAMES M. BODDEN (CONTINUING): likely to get anything at all. Well, how are we supposed to get the aeroplanes, are they going to fall out of the sky as manna to us? And if that is not leaving something for your grandchildren then I would like to know what is? It portrays the Cayman Islands as a very small country in size but very big otherwise, because when you stop and think of it, in all the Caribbean there is really only about three real national airlines in the entire Caribbean and we are the smallest of the bunch. And I will put it to this House today, that although we have experienced troubles, although none of us were trained in Cambridge or Eton it is run as competent as any airline and our figures are much better, and if the other countries can attempt to do it, why cannot we do it? Do you think that history would not judge us bad? Twenty years from now when this country in all its booming activity had to depend on Lacsa or Red Carpet, or Republic or Air Jamaica for service to this country, but I am going to tell you later on that that is what some of these people believe, because that is what they have said. I think it would be a disgrace, I think I would be due no respect from my grandchildren when they are twenty years old and look back, and if they could not see a national airline for this country, I would feel that I had not done my duty to this country.

A former West Bay Member said, "I will say again, that tomorrow's money spent today is good business sense . I have always lived by the philosophy that you might not always get what you want but you should always get what you need. I cannot accept the argument that you must wait until you have all the money to do what you want". I do not know really what he wanted, but he wanted to approve the 8 million dollar loan, and it was nothing wrong with it at that time. He did say, "that you might not always get what you want but you should always get what you need". Well, I will tell him that he is not going to get what he wants and he does not need it.

Mr. President, this problem of Cayman Airways has been with the people of this country ever since the existence of it in 1968, it is not a problem that has just come across the corner. The only thing about it now is that you have a democracy and the people know your problems, but in those days I do not know what you had but you did not have the freedom and the right to know what was going on, therefore nobody could be alarmed because they did not know. That is why, Mr. President, in one instance in the Cayman Brac operation under the old Cayman Airways, Limited, the operation costs from May of 1976 to February of 1977 were 31.14% more than revenue, and in 1977 the loss experienced on the Cayman Brac operation with the DC3 under the old Lacsa agreement was approximately $7,000.00 per month. Did the public hear those figures? So how were they going to be alarmed about them? They had been kept behind closed doors, they had been sealed away in a little package on which had been written "Do not disturb, these are for the eyes of the selected few who shall remain forever", or that was what they thought.

May, 1976 to February of 1977 the technical and statistical costs that were paid by Cayman Airways to Lacsa was $100,503.21. I am going to give you a lot of figures on this, yet you never knew them before, the public did not know them, but by the time I am through everyone will know them. Food expenses. May of 1976 to February, 1977 were 6.30% of gross revenue. To show you what the idiots who now run Cayman Airways have done, in March of 1978 it was 3.28%. You know why? Because we work at it, we watch it, we monitor the reports closely and when it starts to go out of line somebody is called on the carpet and it must be something done. No longer will I tolerate twenty, thirty, forty meals being bought and thrown into the wastebasket when you get to Cayman. I am not saying that was done before, it might have been lost in another way, there are other ways they can lose money, but that was what the costs were in 1976 compared to the costs in 1978.

Another point let me raise, Mr. President. You hear about how loving, how kind, how generous Lacsa was to its employees, let me show this House today how great their generosity was. Under the old agreement they made an agreement with the staff that if ever there came

HON. JAMES M. BODDEN (CONTINUING): a time when they had lost their jobs they would pay them X amount of serverance pay. When it came down to the new organisation we discussed this and it became a point of contention, they did not want to pay at that point any of it, trying to say that there really was no break for the employees, and in one sense it was not but the employees were looking for it and after there became a statemate I finally said, "All right, as this is the last point let us resolve it". Cayman Airways will pay 75% of it and you will pay 25%. Cayman Airways paid CI$34,044.00, Lacsa paid 25% or CI$11,348.00, that was the severance pay that was paid to the employees, and these are some of the same employees, when we talk of loyalty. I do not know if I can lay my hands on these right now who later on led a delegation to Government House and said, "We love Lacsa so much, please do not let them hurt them because we will have to hurt Cayman Airways". That is what you get for it. Who paid the money? The Cayman Islands Government, not Lacsa.

All I have heard is how good they have been to us, and no one ever stops to take into consideration how good we have been to them, because I have been to that Airport, I have seen the plane come in from Costa Rica, I have seen it come in from Costa Rica with one passenger, I have seen it come with more too, but Mr. President, I have seen it bring in that one passenger from Costa Rica and take out fifty, sixty, eighty from Grand Cayman to Miami. That is how good they have been to us. Some flights out of here, even now with us operating sometimes three times a day may be to Miami, Lacsa still on some trips will take eighty-four people out of this Island.

In the month of March the passengers that Lacsa took out of this Island and brought to this Island from Miami we could have filled the BAC 14 times, fourteen full trips. And on some of those trips, Mr. President, because Lacsa came in maybe an hour before the Cayman Airways flight could leave, Cayman Airways probably left with a fifty percent load factor and Lacsa picked up sixty and seventy or eighty people and took them to Miami. That is how good they have been to us, real good. When will these people ever wake up? You know I have heard that malaria is a very persistent thing and that once you get it you probably will live with it the rest of your life. Well I believe that whatever infects a person with malaria must infect some of these people with the Lacsa syndrome, it must be.

Before we look any deeper into the operations of Cayman Airways, Limited in the past, let us review some of the statements which were made by the Federal Aviation Administration in Washington. These are excerpts from the Bermuda II Agreement which was placed in Parliament here which was brought back by our representatives who went to Washington, and it reads thus:- "Docket 30080, exibit Cayman Airways, Limited 1003 before Federal Aviation Administration in Washington. In connection with this initial authorization and in the foreign air carrier permit investigation Cayman Airways, Limited was unable to submit evidence that it was substantially owned and effectively controlled by citizens of the United Kingdom and the ownership and control requirements were waived by the Board. In connection with its initial authorization and in the foreign air carrier permit investigation docket 29747 Cayman Airways, Limited was not found to be substantially owned and controlled by nationals of the United Kingdom. It was necessary for the Board to grant a waiver of the ownership and control requirements, because at that time a portion of the shares were held by Lacsa and three of the members of its Board of Directors were citizens of Costa Rica. See exibit 203". That was the finding of the Federal Aviation Administration early 1977.

These are some of the things that led up to why Cayman Airways had to be owned by Government or owned by money which had been injected by the United Kingdon citizens or citizens of the Commonwealth, I would say. May be I am wrong on that, so do not note it anybody. But the main thrust of this is that in the investigation in Washington which was conducted by the Federal Aviation Administration and the representatives from the United Kingdom, it was found that although the people of the Cayman Islands were led to believe that they owned an airplane

HON. JAMES M. BODDEN (CONTINUING): they owned 60% of nothing. They were not here, the people from Washington, but they had enough sense to see it and they knew that when Lacsa left the route we would not even own a seat buckle on the plane, she would go with all of her seat buckles.

On May 9th, 1977 information from the Foreign and Commonwealth Office in London - "The problem of substantial ownership and effective control of the airlines of the United Kingdom territories concerned will have to be faced. It is doubtful the United States would approve ownership of foreign airlines other than United Kingdom nationals". Costa Ricans cannot come into that category they are not United Kingdom nationals.

February the 17th, 1977 our Director of Civil Aviation here had talks in Miami with the delegate from the United Kingdom to the Bermuda II who was then carrying on talks in Washington. A part of his report is as follows:- "United Kingdom representative said, point - as such ownership and effective control of each designated airlines equipment would be more rigidly applied, this could have a direct effect on Cayman Airways, Limited position as a designated carrier".

The Honourable Vassel Johnson, in his report after returning from the Bermuda II talks in Washington said, "The matter of substantial ownership and effective control was dealt with at the meeting and the United States presented a paper covering this subject. It was stated that with regards to ownership and control air transport entities must have a genuine national affiliation, there must exist, as a matter of fact, the power to dominate or actual domination of one legal personality by another. Nominal national ownership of an excess of 50% of the stock does not constitute substantial ownership and effective control. Ownership of the aircraft is very important in meeting the requirements". These were the things that we - your representatives to Executive Council were faced with, these are the things that we were being told - if you do not have substantial ownership, and 'substantial ownership' does not mean 60% of a paper company, you cannot get a route out of the United States.

Now we who have taken over an empty Treasury, a country that unemployment was rife, where would we have gone in the overall economy if you had not had your airline to bring the people in?

The agreement of the United Kingdom and the United States Bermuda II Treaty Number 76 of 1977 presented to the United Kingdom Parliament in November of 1977 states:- "Contracting parties shall grant the appropriate authorisations and technical provisions provided - (a) Substantial ownership and effective control of that airline are vested in the contracting party designating the airline or in its nationals". Article 5. Each contracting party shall have the right to revoke the operating authorizations or technical permissions of an airline designated by the other contracting party where - (a) Substantial ownership and effective control of the airline are not vested in the contracting party designating the airline or a national of such contracting party".

Article 3. "Under the terms of article 3 of this agreement it is the intention of the Government of the United Kingdom to designate in the first instance the following Caribbean based United Kingdom airlines for service on United Kingdom routes 9 and 16. Liat, Air B.V.I., Cayman Airways, Limited and Belize Airways. And the Government of the United States will use its best efforts to ensure that the necessary operating authorizations are issued to these airlines provided - (a) Substantial ownership and effective control of such airlines continue to include at least as great an element of United Kingdom ownership and control as existed when operating authorizations were last issued to these airlines. And (b) Significant financial interest of control in such airlines is not exercised by United States nationals or by nationals or Governments of major developed States or by airlines of third countries and, (c) Such airlines demonstrate to the United States Aeronautical Authorities that they are taking significant steps towards a greater control and ownership by United Kingdom nationals." That was tabled in Parliament in London, that is a part of the Bermuda II agreement and under this the United Kingdom has agreed and is telling America that they agree to it unless these airlines have (a), (b) and (c) as read

HON. JAMES M. BODDEN (CONTINUING): out to you, they must not be given an approval. And the United States are doing the same thing, they say, if you do not have (a), (b) and (c) we cannot approve you, so how are we going to the United States under the old setup with Lacsa.

Later on I am going to tell you how much Lacsa thought of us, when they came to us and said, "You will have the plane today, today, today, today". And at the times we set, I think at one point they cut it down to where they were willing to give us five trips to Miami a week, and most of them in the night time. Now where would this country and its economy have gone if we had been as idiotic as to agree to accept it? If we had we should have been like Joan of Arc and be burnt at a stake.

I am going to read you some other telling things that were said about this, (because Cayman Airways - (and this was before I had anything to do with it). This report was done in the last quarter of 1976, but it was not prepared until the 12th of April, 1977 and it was done by an American Aviation expert whom Cayman Airways, Limited had employed to look over the company, and the man made a lesser report. I will only read you a few of the things he said. He said, "The lesson to be learnt from the situation of cut backs and suspension of service by foreign based carriers in an unprofitable or declining situation is significant. It is only with a national flag carrier that the country can protect its tourism industry in periods of economic decline or reversion in the major United States markets. In such situations the Government with a national airline has the option of ensuring a continued service of an uneconomic or marginal nature of the overall benefits to the country's economy to justify the Government wholly dependent on foreign based carriers has no such option.

The current Cayman Airways, Limited operating certificate permits Cayman Airways, Limited to operate scheduled and non-scheduled charter services from the Cayman Islands to Miami. As it is the sole United States destination"-(remember this is 1977, this is not now I am reading this on) - 'Cayman Airways, Limited was denied off-route charter authority in the initial certificate, primarily because it did not meet the United States criteria of an independent airline principally due to its overall relationship with Lacsa and more particularly due to the fact that it operated aircraft leased from Lacsa under a wet lease agreement. This restriction is unlikely to be modified in the current renewal proceedings as the fundamental relationship with Lacsa remains the same, the only major change, being a reduction in Lacsa's proportionate equity participation from 49% to 40%. This change is unlikely to cause the United States authorities to revise their origional view that Cayman Airways, Limited did not meet the criteria for operational independence from Lacsa as the operational reality remains unchanged.

In fact in the initial proceedings the Civil Aeronautics Board indicated that it would review at the subsequent renewal the progress made by Cayman Airways, Limited towards independence or Caymanisation, progress that has not occurred. Off-route charter authority is likely to be critical to the long-term success of Cayman Airways, Limited. The inability to penetrate the growth sector of the market due to the lack of off-route charter authority is likely to present real and serious problems for Cayman Airways, Limited in the future. The essential changes that would result in the granting of off-route charter authority appears to be the ownership and operation of aircraft independent from another airline.

Cayman Airways, Limited as can be readily seen from the foregoing is at a critically important crossroad in its development as an airline. The choice is either to grow and develop towards the goal of an independent airline or to remain static, the choice is obvious if Cayman Airways, Limited has a role in the ongoing development of the Cayman tourism industry, it must grow and develop, and to do that on a profitable and viable basis it will have to acquire its own aircraft and come to manage its own operation as an independent airline. In none of these instances is there any consistent time lag evidence over the course of a twelve months period which suggests a rather haphazard recording system in which one would be unlikely to place a great deal of faith.

HON. JAMES M. BODDEN (CONTINUING): Overall, both current reports"- (this is on the financial side of it now)-'and the annual reports and the annual forecast prepared by Lacsa leave a great deal to be desired in terms of voting, presentation, contents and accuracy. As a management tool they are significantly inadequate providing no ongoing measurement, inadequate breakdowns of data, particularly low comprehensive data on which the different key elements of the operation can be measured. In several cases the data appears to be unreliable particularly with respect to ground expenses. A new organization and a new management system are urgently required if Cayman Airways, Limited is to be in a position to adequately manage its own operations in the future, even within the present Lacsa structure.

The organizations structure: Recommendations are designed to place Cayman Airways, Limited in the position to effectively control and manage its own affairs, to change from a purely operational organization into a professionally managed airline. The recommendations have been tempered by the realities of scale and are based on a more effective use of manpower freeing up several individuals for participation in the development activities inherited in the recommendations in order to minimise the cost." I wanted to let you share that with me, because the previous Government believed very much in the sayings and advice of experts, and this man was supposed to be an expert, and everybody believes that everything Lacsa did was correct and that we were foolish to question it, and here is an expert telling us that the financial records as kept by Lacsa lacked a lot to be desired, and he found much fault in it.

I could go on and be more specific, because as I have said before, it is a lengthy report, but this is just a part of it. Now we are being accused of it when we inherited the mess and we inherited their accountants, so how can we do any better until we can get it worked out? I wish you had seen at the beginning the type of records that were kept and the type of records which they had, and if you think we are in a bad problem now in regards to giving you information on the company, you should have been asking for it then, because that is probably one of the reasons that they hid under the cloak of the Companies Law before was because they could not find anything to tell us.

Mr. President, with your permission I will stop now until this afternoon, I am getting a bit hoarse.

MR. PRESIDENT: It is a little before normal time, but if Members agree we can suspend until half past two. I will suspend proceedings until half past two this afternoon..

HON. JAMES M. BODDEN: Thank you, Sir.

HOUSE SUSPENDED AT 12:25 P.M.

HOUSE RESUMED AT 2:30 P.M.

HON. JAMES M. BODDEN: This morning in my debate I touched a little on the employees of Cayman Airways, and I wish to bring to this House something that transpired in 1977. At that time we were under the old agreement with Lacsa, Cayman Airways was owned 60% by the Cayman Islands Government and 40% by Lacsa, that meant in my opinion that the employees were employees of Cayman Airways, and being Caymanians they owed their loyalty to no other sovereign state but to this one and to anything that is owned, because the employees of any company are the backbone of that company. And in my opinion it is incumbent on an employee to at all times display allegiance and loyalty to his company, if he or she cannot do that, then in my opinion there is a wide world out yonder and they should go in search of something else.

People again wonder sometimes why Cayman Airways does not prosper more than it does? And I am saying to you that unless you have dedicated people, Cayman Airways, the Cayman Islands Government, or any other entity cannot survive. Cayman Airways is lucky in that it has some very

HON. JAMES M. BODDEN (CONTINUING): faithful employees, it has some employees who I feel look on the airline in the manner in which I do, they are constantly trying to find ways and means of saving the company money and they will go that extra mile. But in 1977 on the 28th day of September that was not so, because those who had been severely affected by the Lacsa syndrome did something in my estimation which is unforgivable. At that time, Mr. President, you were on leave, the Honourable Chief Secretary was acting as Governor, and on that day certain employees of Cayman Airways petitioned you with a petition. That petition was sort of lengthy, but I will pick the particular phrase out of it that sticks in my mind, and it reads as follows:-

> "We as employees insist that every effort be made to support Lacsa airlines. We have confidence in them and we respect their help, and it is only because we respect Mr. X in this organization that we have maintained our loyalty and have not staged a walk-out".

Now if I had been the person that I am sometimes depicted to be, and to be frank with you, if it had been my business it would not have been necessary for them to stage a walk-out, because they would have had a push-out. Then this same group who some of these support would go about the Island trying to spread discontent about Cayman Airways so this is the manner in which some of the senior employees of Cayman Airways acted. There were no allusions in that petition, Mr. President, to any loyalty or confidence in this Government, there were no allusions to any confidence or any respect or loyalty for Cayman Airways. They plainly stated where they had been inoculated from, and it said that they owed their loyalty to the good brothers from Costa Rica, and that is what we have had to contend with. We have had to contend with it into the establishment of Government and we have had to contend with it within the own rights of the employees of Cayman Airways, then is there any wonder that Cayman Airways has had bad times. If I had employees like that in my own business I would be afraid to walk out of the door and leave them in there. This in my estimation, Mr. President, displayed no pride into our country, and these particular employees should now hang their heads in shame.

Cayman Airways operated under articles of agreement registered at the Government Registry Office. And although Government owned 60% of the issued share capital and Lacsa 40%, Lacsa had three directors and we had three, no meeting of the Board could be convened unless one Lacsa director was present, no motion could be passed unless at least one Lacsa director voted with Government. Lacsa controlled the company with the above as well as the management contract and that vested total operating control in their hands, and it is no wonder that the United States Government questioned it the way they did, and it is no wonder that our own mother country also questioned it. I personally am sick and fed up with all of this misplaced loyalty, this stupid ignorance on behalf of people that you would expect better from.

Cayman Airways has passed through some very trying times. In 1979 the only fare increase put in was a few cents on the cargo, in one sense Cayman Airways is subsidizing the air freight into this country because it is operated on as thin a margin of profit as you could ever hope to operate a company on. The reason for that being, that the directors of Cayman Airways realized how vital cargo shipments are to this country and to the economy of it. Therefore, although we voted and had a fairly large increase approved in cargo rates it was only a minimal amount of that that was ever put into force. On the passenger fares we had an increase in 1979 of 9% and to the best of my recollection there has been no increase this year, although we have filed the application for an increase. Yet, during that time fuel has escalated from .4077 cents a gallon to as high as $1.28 a gallon here in Grand Cayman.

We have had to employ more people, and that costs additional money, we have had to train people. The training programme is continually going on, since December the 1st of 1977 Cayman Airways has spent over $250,000.00 for training their employees. If this was done by the

HON. JAMES M. BODDEN (CONTINUING): banks and some of the other institutions in this country on the similar scale compared to gross income we would have, probably a better Cayman today. But they are our people, everyday that they live in this country they help build this country, the money they make revolves around in the local economy, that is why it is vital to us to upgrade our staff in every respect that we can.

The staff of Cayman Airways handle a lot of business. Some people say to us, Republic Airlines only has so many people, why do you have so many? Well, Republic Airlines make, I think it is thirty-one trips a month if the month has thirty-one days, into Grand Cayman. On the average Cayman Airways will handle over two hundred flights a month, because we also handle Red Carpet, Air Jamaica, Lacsa, and we have the Inter-Island run, in addition to that charters and other planes that arrive here are usually handled by Cayman Airways staff also, so it is a big load it is not the easy job that some people think it is.

On December the 1st, 1977 the new Cayman Airways came into existence, there was much negotiation that went on in Grand Cayman and in Costa Rica by our members of the Board going to Costa Rica between the two sides in an attempt at reconciliation. I was accused of a lot of things during that time, I was supposed to have hit the little tin God with an ash-tray. I do not know where that lie ever came from, but I can remember this distinctly, Mr. President, that at two of those meetings I purposely sat in and I purposely kept my mouth shut, believe it or not, for about three or four hours on each session so that I would not be accused of the one that was trying to break up this little nest egg. Negotiations broke down, my colleagues can support me fully with that. Every proposal we made to them they countered it another way, and the only thing left for us to do was to get on bended knee and that none of us was prepared to do.

They came here at one time, there was an embracing, there was a press release, and two days later we got a telex repudiating what had been agreed on and what had been published in that press release. It came to the point where I think - I do not have the record before me today, and I do not want this to be misconstrued - but I think it came to the point where they offered us five trips a week out of Miami, nothing to Kingston, the hour was to be dictated by them, then finally the crowning blow, the sixty percent owned company that we owned, we had two employees flying on the aircraft and they said, "your pilots must come off". Now is that what you Members of the House would have wanted us to have knuckled down to? Forget the Bermuda II, forget what the United States was telling us about control, forget what the United Kingdom was telling us about control, I am only putting to you the nice attitude that they displayed to us.

I spoke somewhere along in my speech about the rate increase on the cargo plane. We had been paying them $2,500 per a round trip from Miami, every trip; they increased it to $3,880.00 without even any discussions on it. No one knew until the end of the month when the billing came in, and that was the general attitude throughout. We then embarked after we got the final cable from them severing the connection, I think it was November the 2nd, 1977, we then embarked to put Cayman Airways together. The Honourable Truman Bodden and a team went to the United States, they followed that lead that we had an aircraft. Where we could find an aircraft, we did not have time to have it equipped for over water flying. Where we could find one that was equipped for over water flying we could not find counter space in Miami Airport, and this continued round and round. Finally, there was no other alternative than the one we took which was to negotiate with Air Florida.

My colleagues who were present with me well know that we tried our best, we tried to get the best possible deal we could but we could not do any better. We were well aware that we would be losing money, in fact, the evening before we signed the contract I remember saying to my colleagues, "This is going to cost a lot of money, we will probably sink in the next six months three quarter of a million dollars, but there is no other alternative, we have to take the gamble". So we did not go into that as some people think with our eyes blinded. I have already

HON. JAMES M. BODDEN (CONTINUING): revealed to this House the figures on the Air Florida transaction and the losses incurred, which were approximately three quarters of a million dollars.

We severed that connection and we obtained counter space at Miami Airport and we bought the first BAC. We started to operate it, I think it was 29th of July, 1978 and it has proven fairly successful since that time. We have had aircraft which have performed wonderfully, we probably have one of the best ratings in the world as far as our departures and maintenance. Last month I think it was 165 flights that we had and we had one departure held up for 30 minutes due to mechanical problems, and I think that is a record in the airline industry. It has taken a lot of time, effort and negotiations to put this entire thing together.

After the break with Air Florida we did not have suitable accounting methods and suitable accountants, we continued until December of 1978 with them handling the accounting for us, since that time we have been handling it on our own, some of it has gone on computer and we are fixing to put the rest of it on computer. We had to establish our own reservations service in Miami, that has been established, it is operating very efficiently and we now have a computer set up in Miami, one in Houston and one at the Airport here in Cayman. Everything on our reservations at the present time is on computer, the one out of Cayman is not operating 100%, that is through no fault of ours it is through technical problems I understand in the cable system. We have had to set up our own maintenance and spares department, and that is well handled in Miami. We had to set up the entire cargo operations, and although there are problems that arise from time to time it is providing the service that the country needs.

From 1st of December, 1977 to 30th June, 1979 - these are figures that I have given to the House before but I will give them again. The total operating revenue of Cayman Airways, Limited was $10,249,412.03. The flying operations costs $4,106,244.44; maintenance of aircraft $501,219.31; passenger and ramp service $1,145,948.74; aircraft and cargo service $1,568,099.44; promotion, advertising, reservations and sales commission $1,880,183.54. Before I leave that item and it becomes misconstrued, as I am sure it will be, let me point out to you one thing; the reason for that being high is because we like any other airline have to pay 15% commission on tickets and in most of the cases it is an additional 3% override on top of that. So every ticket that you go and buy from a travel agent in Cayman you are costing yourself 15%, because it is your airline. General and administrative expense was $1,251,398.02.

It is not easy to establish any business but particularly an airline, and I have never put myself up to be considered as an expert, but an airline is like anything else in the line of a business, it operates on certain principles. So the people will not say that I have left out anything in this debate, I would like to tell the House that in December of 1977 we had a total revenue of $426,218.41 with an operating loss of $231,984.16. January, 1978 the income was $454,240.90 and the operating loss $137,308.97; February, 1978 the revenue was $464,854.35; operating loss was $65,684.53. March, 1978 operating revenue - $535,795.77; operating loss was $35,720.92; April, 1978 operating revenue - $421,527.27; operating loss - $97,444.90; May, 1978 operating revenue $370,848.90; operating loss $169,298.66. June, 1978 operating revenue was $397,056.47; operating loss was $210,281.78. Now when we take this and combine it with the adjustments which were reflected from 1st December, 1977 balance sheet with the losses on that coming forward from the Lacsa deal it showed a loss of $947,723.72.

The 31st of July, 1978 marked the first month of operation with the BAC 1-11, and in that month the company showed a profit of $71,860.16. August it showed a profit of $96,851.20 on a gross revenue of $616,178.65; September we had low occupancy rates on the airline and we had nearly $200,000.00 less revenue, we had an operating loss of $105,192.59 on a gross revenue of $355,594.72. In October we had a profit of $25,568.20 on an operating revenue of $506,946.37; November we had an operating loss of $154,548.89 and a gross revenue of $343,860.13; December we had an operating profit of $219,644.72 and a gross revenue of $701,090.70. January, the operating profit was $64,794.10 on a gross revenue of $661,678.11.

HON. JAMES M. BODDEN(CONTINUING): February, revenue was $668,961.11, it yielded a profit of $94,279.18; March, the revenue was $782.664.54, an operating profit of $198,181.11; April, the revenue was $690,484.15, an operating profit of $90,075.08; May, the revenue was $650,653.76 to yield an operating profit of $49,005.64; June, the revenue was $658,786.75, the operating profit $45,650.15. Now bear in mind, the figures I have given to you are subject to adjustment in the final balance sheet, because there had to be adjustments made on accounts receivable for the amounts that you may not collect and so forth and so on.

From June, 1978 to June, 1979 the gross operating profit has been $696,168.06. Losses sustained during the 7 months Air Florida agreement are $947,723.92. The last year of operation compared to the 7 months with Air Florida shows a reversal of $1,643,891.98; accumulated losses brought forward from the Lacsa operation were $391,095.00; combined losses that were spent $1,338,818.92, subject to adjustment on final audit and applied against this will be the operating profit for the past year subject to adjustment of $696,168.06 or an overall loss position of nearly $700,000.00. This is what was reflected in the balance sheet which was tabled in this House, and into that we had taken off with this depreciation. Now that meant that if we were lucky enough we could depreciate something, because before we could not depreciate those belt buckles.

Cayman Air Holdings paid to Lacsa the sum of $183,750.00 being the share holding in Cayman Airways which had an issued value of CI$147,000.00 or 73,500 shares at $2.00 each. But actually on the balance sheet 1st December or 30th November, 1977 these shares were worth approximately .18¢ when we bought them.

I spoke awhile ago about the final telex that was received from Costa Rica, this was received on 2nd November, 1977 stating to us that for various reasons which they advanced in that telex that the BAC 1-11 would not be available for lease after 1st December, 1977. A new application was made to the Civil Aeronautics Board in the United States after Cayman Airways was reorganized, this was done under the terms of the Bermuda II agreement and a hearing was held in Washington on the 25th July, 1978 and Cayman Airways was granted a five-year permit authorizing service to Houston, Texas in addition to a five-year permit to Miami. It was also given off-route charter authority which was not available before and which we could not have gotten under the old term agreement.

Operations to Houston commenced on 29th October, 1978. So far our load factors have been good, we have had times when they have dropped, but as it is in any business you have to look on it on the overall as to how you come out.

Maintenance on the BAC 1-11 is maintained under a system of progressive maintenance scheme, which has been approved by British Aerospace. This avoids the necessity of taking the aircraft out of service for any extended period of time, it has only been one time since we have had either one of those airplanes that they have been out of service for any length of time and that was when we had the accident on the ramp in Miami. The DC-6 is maintained under Rich International Maintenance Programme which is in accordance with the Federal Aviation Regulations, Part Number 121, which is the same standard as required for passenger aircraft. In other words, the aircraft which we are now operating as a cargo plane could automatically go into carrying passengers because it is registered and it qualifies to be a passenger aircraft.

I will now proceed, Mr. President, to give this House the operating statistics for Cayman Airways since the balance sheet was tabled in this House last year. The financial year of the company has now been changed to 30th June, so the first statement that I will give to you will be July of 1979. I would like for all Members of the House to bear in mind one thing, the figures I am giving to you are gross figures, they are figures that will be subject to final adjustments in the audited balance sheet in June or at the end of this month, but these are month-to-month operating statements of the airline. So if the people are so anxious to know, this is not an administration like the previous one that wrapped

HON. JAMES M. BODDEN (CONTINUING): up the package and put it behind closed doors, I am ready to reveal it to you and you can shout.

In July of 1979 the gross operating revenue was $735,180.83. The flying operations costs $229,923.45. Out of all of our operating expenses for that month $20,000.00 was set aside in the profit and loss account for depreciation, this means that this still is reflected as income but it affects the final figure as profit. For July, 1979 the profit after deducting the $20,000.00 depreciation was $73,864.83.

In August of 1979 it was $833,582.32 gross revenue; flying operations were $252,130.53. Again in this month we took a depreciation out of $23,000.00 which left the final figure as profit $100,499.59. I would just like to give you as I go along the fuel costs so you can have an idea as to what we are faced with in this escalation of prices. In August, 1979 we paid $124,339.49 just for fuel. That month we carried 12,197 passengers; July we carried 10,945. I am giving you these figures so you can see how our load factor has been increasing.

September, which is traditionally a very slow month, the gross revenue was $528,543.38; flying operations cost $244,201.68. We took out depreciation of $22,000.00 and that month we had a loss of $175,411.38. That month our fuel bill was $107,470.10. The month of October we had revenues of $594,686.71, we had a flying operation cost of $241,780.92; we took out a depreciation of $23,000.00. We wound up with a loss for this month of $123,926.79. Fuel for that month cost us $124,884.20. November revenues increased to $868,291.02, flying operations costs $276,216.18; the profit that month of $126,643.96. Our fuel costs $125,792.00.

For December, the gross operating revenue $987,883.92, flying operations $309,449.02, depreciation taken out $30,528.00. We allowed for the interest this month of $121,068.35 with a net profit of $20,413.17 after we had taken care of the interest and the depreciation. Our fuel costs that month $196,039.15. January the revenue was $1,121,346.00, the flying operations cost $336.280.00, took out the depreciation of $54,000.00, took out an interest $123,975.00, the profit $17,407.00 after taking out the interest and the depreciation. Fuel that month cost us $237,470.00. February the gross income was $1,121,527.00; flying operations cost $384,207.00; depreciation taken out $54,053.00; interest $124,421.00, a loss of $79,092.00. That month our fuel bill was $269,139.00.

In March the gross revenue was $1,362,393.00; the flying operations cost were $386,295.00; depreciation was taken out of $54,000.00; interest of $125,109.00; profit $76,464.00; fuel $280,900.00. April the revenue was $1,155,261.00; flying operations cost $404,876.00; depreciation taken out of $54,000.00; $122,000.00 allowable for interest, a loss of $86,447.00. Fuel bill for the month $295,050.00. Taking it month by month since the last balance sheet has been issued, and these again, may I emphasise are figures from the profit and loss account of the company. On the profit side we have $415,092.07 for the last ten months of operation; for the same period we have losses of $464,867.37 or in a loss position for the last ten months of $49,775.30, but in addition to this we have allowed out of our cash flow $363,578.00 for depreciation, and $621,573.35 for interest. So when you consider that this much has been set aside in addition to this here that the loss we have had, it was not a bad year.

I am only conjecturing , but I am pretty sure that although we have had such bad times this year since the last balance sheet period I do not believe the losses when they come out on the balance sheet should be more than $200,000.00 for the entire year. But we have built up equity, we have built up assets, and I will point out to you right now that in March a statement of condition was prepared by the company which gave its assets, this is the aircraft first one $3,814,146.18, although they have been valued at figures higher than this. The other aircraft $3,486,716.82, the Trilander $251,639.61, less the reserve amortization of $417,259.05 to give us a net position of $7,135,243.56. The navigation equipment $134,294.91; Trilander equipment $31,563.28; miscellaneous flight equipment $28,374.08; rotables and parts $1,879,109.03; passenger service equipment $9,786.79; ramp equipment $28,397.44; surface transport $24,887.24;

HON. JAMES M. BODDEN (CONTINUING): office equipment $55,272.21; hangar maintenance $7,277.91; miscellaneous $60,958.37, a total of $9,252,522.80 - (that is C.I. dollars) - I will give the rest of the figures in U.S dollars because I have computed the rest of them in U.S. Dollars, which works out to US$11,630,547.62. In addition to this we were carrying on the books of the company at that period $2,378,024.82 in accounts receivable . This would give the gross assets of the company at $14,008,572.44 against which there is an outstanding loan of $10,000,000.00 and there is an accounts payable amount of $2,150.707.00 to put the company with roughly assets of about $1.9 million and take away the losses which have been sustained over the period, the company winds up with nearly $1 million of clear assets if it had to be wound up today.

I have tried to cover this, Mr. President, as best as I could having only a couple of days in which to prepare the stuff for this. I would like to carry this debate much further, but I think I am going to have to yield the floor for someone else. If there are any mistakes in what I have said here it was not intentional, I can only report and rely on the people who work for the company and who supply the figures. I am not an accountant, we have tried to get a good accountant and we think we have one of the best, I can only hope and rely on his reports. These are the figures that I have presented to the House, now nothing is hid everything is out in the open with the exception of a few things I could tell you about our past associations when we were again into the deal with Lacsa, but I will not reveal them.

Now I am asking the Members of this House to fully support this motion, because it is building something for the country, the whole future of the country rests in my mind in having the National Airline. It provides some well paying jobs and I take great pride when I go aboard the plane and I see the young Caymanians who are filling those important positions, and I get such good reports, not only from Caymanians but from people abroad of the calibre of them, it makes me very proud. I am proud that we have progressed to the point where we can have such a thing, and I for one, Mr. President, stand fully committed and as long I am in this House I will fight for the benefit of Cayman Airways, because to me, the future of the country rests on it. I thank you.

MR. PRESIDENT: Are there any other Members who wish to speak on this motion? Does the Honourable mover wish to reply?

HON. V.G. JOHNSON: Mr. President, I am grateful to the Members who debated this motion, a motion seeking approval of certain expenditures recommended by Finance Committee at two meetings earlier this year, on the 31st March and on the 8th May recommending a total sum of $1,175.913.00.

Mr. President, I too want to comment on the veil of secrecy with which Finance Committee is clad. In Finance Committee we operate under a closed door and the business of that committee has always been held in confidence, because there we call names, there we examine many confidential subjects, such as Police and security, there we examine staff problems. And therefore it has always been a long standing rule that only decisions of the committee should be made public, and that should not be until a report from Finance Committee is laid on the Table of this House. If a Member divulges any business of Finance Committee to the public before that stage, then it is contrary to the past practices held in Finance Committee, and I would be grateful if all Members could continue to maintain the rules of the committee as far as secrecy of the business before it is concerned.

Mr. President, I think most of the debate on this motion was centered on Cayman Airways and its relationship with Lacsa during the period 1968 to November, 1977 when the airline was converted to a fully Government owned entity.

Mr. President, time changes many things, and time changes our very thoughts. What was good for the Government 10 years ago is not necessarily so today, and I would go further to say, that what the Government 10 years ago accepted in good faith I think we should honour that obligation.

HON. V.G. JOHNSON(CONTINUING): Much has been said about Cayman Airways and Lacsa's association, and I would say, Mr. President, that as a Government appointed Director of that Company from its inception in 1968 to November, 1977, and furthermore, as the Chairman of that Board for the last five years of my directorship in the company I think it is in order for me to take the place of the defence in this particular issue. When a case is presented before the court we hear there the lawyer for the prosecution or the lawyer for the plaintiff presenting his case he is not going to argue the case for the defence, and so it is fair that the person who stands trial should be given a fair chance to have the defence presented to the court.

I would like, Mr. President, to say before I touch on any part of that subject that the inference of Lacsa's syndrome is not a cap that I will wear, it is a small cap and I would prefer the public to judge that as far as I am concerned. I have nothing whatsoever .....

HON. JAMES M. BODDEN: Mr. President, on a point of order. I did not accuse the Member moving the motion that it was the Lacsa syndrome affected him, if he is taking it that way, well, there must be some other reason, I did not accuse him.

HON. V.G. JOHNSON: Mr. President, I accept that, Sir, he did not call my name, but as I said in my remarks that as Chairman of Cayman Airways I accept the responsibility for Cayman Airways during the period which I sat on that Board in that position. He has taken the position here too, Sir, that he is responsible for the performance of Cayman Airways to this Government now that he is Chairman, and all I am saying is, that I would like to defend my position as Chairman on that Board and I take the responsibility for anything that happened there, and a lot has been said about Cayman Airways which I would like to clarify. I am not throwing anything at the Member, in fact I was very glad for him in the revealing of figures and facts about the airline. He refreshed my memory with quite a number of things which I would like to comment on, I am not for one minute trying to criticize anything he said, because in fairness he did not call my name at all. I am only saying that as Chairman of the airline I take responsibility for what happened there from 1972 to 1977, this is all I am saying.

Now Mr. President, I would like for the benefit of this House to just review the history of Cayman Airways from its inception in 1968. In 1968 it was decided to liquidate Cayman Brac Airways, Limited and to establish Cayman Airways, Limited, the latter to be the nucleus of a national carrier. In 1968 the proposal was put forward by Lacsa to this Government, (somebody had to put it forward, and Lacsa did)- and the Government at that time, which was the advisory Executive Council examined in detail the proposals put forward to Government.

I can remember, Mr. President, although I was not a member of the advisory Executive Council in those days, I was called in to associate myself with the discussion on the proposal, and one of the gentlemen who sat on that committee and who I remember very well was the late T.W. Farrington. I think Mr. Farrington and myself were very close, in fact he was one politician who I had a great regard for, he sat there, and while we were sitting there he said to me, "Vassel, I think this is a very good proposal because I cannot see anyway that the Cayman Islands would achieve an airline unless someone like Lacsa propose it". And he also said "that I am sure that in time to come Cayman Airways will be converted into a national carrier of the Cayman Islands", and therefore he supported the proposal.

Well, what I am trying to say, Mr. President, is that if the Government in those days saw fit to accept the proposal I do not think that we are in a position here to criticize it, therefore the agreement was accepted by Government and it was considered a reasonable agreement. Well the airline went into operation, and first of all it continued the inter-island service. Everybody in this House, past and present know that the inter-island service is not an economic venture. The recent experience

HON. V.G. JOHNSON(CONTINUING): of the Cayman Brac Airline was that they could not operate the service at a profit, and therefore Goverrment had to subsidize the operation. Well from 1968 that Cayman Airways took over the inter-island service it has lost money on it. It went on the following year, Mr. President, to establish the first leg of the international operation which was the service between here and Kingston. When the feasibility was done on that route it was discovered that with very good luck the operation would break even, because B.W.I.A. was operating the service at that time with a Boeing 727 and therefore Cayman Airways BAC 1-11 400 series had little chances in the competition against B.W.I.A. During the two years of operation I did not agree with it at one stage, I moved a resolution on the Board to withdraw the Kingston service, however, the other directors thought that it would be wise to continue it because nobody knew what would happen to the services offered by B.W.I.A. and a year later that was proven to be quite correct.

During the two years of operation of the Jamaica service a loss accumulated, the Member mentioned it in his address, that figure was somewhere in the vicinity of $90,000.00, it was for lease charges of the aircraft over those two years of operation. And although Cayman Airways could not pay the lease charges it was allowed to continue the service, and the agreement with the Board and this Government was that the operation would continue until such time that Cayman Airways could meet these debts. And as I said, it happened that in 1971 B.W.I.A. withdrew from the service and therefore Cayman Airways was in business. The service then became profitable and in one year Cayman Airways was able to pay off that debt.

The following year we saw that it was necessary to establish the second leg of the international operation, the service from here to Miami. That was established on the 1st May, 1972. Mr. President, it shows that Mr. Farrington's words were true that one day in the not too distance future Cayman Airways would become a truly national airline whether it had assets or not. And in May, 1972 the second leg of the international journey was established and Cayman Airways was off to a good start, it made profits on its operation and by the following year it was declaring dividends to the shareholders, all the debts were paid off and the company was in a fairly good financial position.

But, Mr. President, problems struck early afterwards. In 1974 Southern extended its operation to the Cayman Islands and immediately it pulled 45% of Cayman Airways traffic. Worse than that, the following year the recession almost brought an end to Cayman Airways, the capital of the company had wasted to the extent that the Cayman Directors had no alternative than to make the suggestion that the Company be wound up because the Government did not see fit to inject money into the airline to keep it alive, and therefore the only chance it had was if Lacsa was good enough to rescue the operation. In 1973 we placed a proposal before Government to purchase an aircraft and to convert Cayman Airways to a fully owned Government entity; the Government at that time did not see fit to do so and therefore the question of substantial ownership and effective control were in the minds of this Government from those days. It was a matter of whether the Government at that stage was prepared to do it or not.

Mr. President, in 1975 when Cayman Airways decided that it could not continue its operation because it had no equity at all Lacsa came forward with a new agreement, and it said that "it did not wish to see Cayman Airways fold up that they would do everything that was possible to keep it afloat". And so the new agreement offered a method of solving the financial problems. Instead of charging the usual annual minimum hours as a lease charge Cayman Airways was allowed to pay only for the hours it used, and the Lacsa company would also use the aircraft on its other routes and that there would be an adjustment of the hours used by Lacsa against the total hours to which Cayman Airways would normally have been committed. And this saved the company, it brought it fairly well out of its financial problems, the recession continued from 1975 to 1977. The year before 1975 was the year that Southern came on stream, and so Mr. President, you can see that from the very outset Cayman Airways had major problems. It had problems from its inception in 1968 because it operated an inter-island service that was a losing proposition. It went into

HON. V.G. JOHNSON (CONTINUING): the Kingston service, and again for two years it operated at a loss, it recovered well between 1971 and 1974 when Southern came on stream, and again it faced difficult problems from 1974 until when it was converted by Government.

And so, Mr. President, I am saying that what has been said here about the losses of Cayman Airways was quite correct. I agree entirely with what the Member has said about the losses of Cayman Airways, but I think that the reason for it was quite clear, it was quite clear to the Government at the time, it was quite clear to everybody.

Another thing, Mr. President, that in those distressing days of Cayman Airways, Lacsa did not make demand that your lease charges should be paid in advance or immediately at the end of the month. If it had been like Air Florida we would have been in the same position in which Cayman Airways experienced during the period with Air Florida. Lacsa was not like that, Lacsa's lease charges went on sometime for up to three months. As in the closing days of the operation between Lacsa and Cayman Airways the debt which accumulated in November, 1977 was due mainly to the fact that no lease charges were paid to Lacsa from July of that year and therefore by November there was an accumulation of debts. But even, Mr. President, over this period in which there was this continual debt due to Lacsa as appeared on the balance sheet each year, if you look at the cash flow position you will see that the company was in funds. It was only that Lacsa did not make that demand that it be paid, it went on one month, two months, before payments were made. And so naturally at the end of the year you would find debts owing to Lacsa of so much, but if you look at the cash flow position you would see that the company was in funds, and therefore most of the time the company could have very well cleared those debts before the balance sheet was struck.

MR. PRESIDENT: I shall have to interrupt the Honourable Member in five minutes.

HON. V.G. JOHNSON: Mr. President, when Lacsa decided to establish Cayman Airways it was considered then that Lacsa had sufficient experience in this field, in fact Lacsa itself was once largely owned by Pan American Airways and Pan American operated Lacsa for a large number of years. When the Costa Ricans decided that they would take over the operation Pan American agreed, and said, that now you have grown up we think that you can operate the airline, and so Lacsa was cushioned into taking over the airline from Pan American and running it. Lacsa has often said to us that this is what they wished to see of Cayman Airways. They wished to see Cayman Airways grow up and be able to take over the operation of the airline, to take over the ownership and the operation, but they did not think that we should rush it because the airline business is a very fickle business and one can lose a great deal in the conversion if he is not careful, and this was Lacsa's concern.

In 1973 Lacsa agreed immediately to the conversion if it was the wish of this Government. It was not the wish of this Government to do so and so we continued, therefore I do not think we can say at this stage that Lacsa was trying to hold on to Cayman Airways for their life. I do not think that is so.

Mr. President, I think that when we have honoured partners and honoured agreement that we should be careful and not do anything to mar those obligations because it is dangerous: the honouring of our obligation is what the stability of this country is built on. I would say that there is a difference between the Civil Servant handling a matter and a difference between a politician dealing with it, and I am not criticizing either one, I think each has its merits. I am only saying that perhaps Lacsa might have been a bit peeved at the manner in which the conversion of Cayman Airways was done, but nevertheless, it was the Members' choice to convert Cayman Airways. I agreed entirely with what he said about the requirements of the Civil Aeronautics Board that the licence depended on the substantial ownership and effective control. This was pointed by the British Government and therefore it was something of concern

HON. V.G. JOHNSON (CONTINUING): to Cayman Airways and it was also something of concern to Lacsa, because although they had waived these requirements on that particular licence nobody knew what the position was going to be at the next renewal and therefore the whole matter was a concern to everyone.

The move which the Cayman Islands Government adopted to convert the airline is something which had to be done sooner or later, how soon it was done, is another matter. But I am not criticising what was done, Mr. President, I am only pointing out that the losses mentioned by the airline over the period were quite true, but I think if you examine the reason for it then the explanation is reasonable, and I do not think anyone can really criticize what has been done.

Mr. President, the time is up, I will only at this stage, or it is only left for me at this stage to recommend the motion to Honourable Members, it is straightforward and I recommend that the sum of $1,175,913.00 be considered by this Honourable House and given approval. Thank you, Sir.

MR. PRESIDENT: The question is:-

"BE IT RESOLVED that this Legislative Assembly approves the four recommendations of Finance Committee and that the Financial Secretary be and is hereby authorised to spend a sum not exceeding $1,175,913.00 (Cayman Islands dollars) for the purpose stated and agreed under the various Heads and Sub-heads in the proposals to Finance Committee".

QUESTION PUT: AGREED. THE MOTION WAS PASSED.

MISS ANNIE H. BODDEN: I decline to vote.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER.

QUESTION PUT: AGREED. AT 4:32 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. MONDAY, 23rd JUNE, 1980.

SECOND MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY
HELD ON MONDAY, 23RD JUNE, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.M.G. - PRESIDENT

GOVERNMENT MEMBERS

HON. D.H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V.G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. J. GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN V. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MR. CRADDOCK EBANKS, J.P.	*MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ABSENT:- CAPT. K.P. TIBBETTS, SR., J.P.

ORDERS OF THE DAY

MONDAY, 23RD JUNE, 1980

(THIRD DAY)

1. *PRESENTATION OF PAPER -*

DRAFT PUBLIC HEALTH LAW, 1980 (REVISED) -
TO BE LAID ON THE TABLE BY THE HONOURABLE TRUMAN M. BODDEN,
MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.

2. *QUESTION:-*

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

NO. 29: Will the Member say what amount of stamp duty has been collected on the transfers of land from the 2nd January, to the 31st May, 1980?

3. *GOVERNMENT BUSINESS:-*

GOVERNMENT MOTION:-

GOVERNMENT MOTION NO. 6 - SWAMP LANDS -
TO BE MOVED BY THE HONOURABLE G. HAIG BODDEN.

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MONDAY 23rd JUNE, 1980

10:00 A.M.

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

DRAFT PUBLIC HEALTH LAW, 1980 (REVISED) - LAID ON THE TABLE

HON. TRUMAN M. BODDEN: Mr. President, under Standing Order 18, I hereby present to this Honourable House the Paper entitled "The Draft Public Health Law, 1980" and I wish to make a short explanatory statement of its contents.

Mr. President, the Public Health Law has been drafted firstly by the Legal Department which has put in a lot of work on this and it has then been put through a Committee and after the Committee it has been put into legal form again by the Legal Department, and I am grateful for the amount of work that has gone into this by the Honourable Second Official Member, the Attorney-General.

The Committee, Sir, consisted of both Government and private Members including the Chief Medical Officer, Senior Public Health Officer, two Medical Officers, one employed with Government, one from the private sector, two representatives from the Cayman Islands Hotel Association, a representative from Public Works Department, one builder and a member of the Central Planning Authority, and several persons from my own Portfolio including the Principal Secretary.

The present situation, Mr. President, is that there is a 1974 Public Health Law, but it is very much a skeleton Law under which regulations were to be made. The main regulations made under it are The Garbage Collection Regulations and more recently The Deratting Regulations.

This Draft Public Health Bill is a piece of major legislation and as a result I am not asking this House to take any decision on it, I will merely be laying it on the Table, so that I may now formally make it public. I will be inviting the public to make comments and constructive criticism in relation to it and to hopefully report back to me anything that they wish in it or wish taken out of it at the same time as with the Social Services Policies. It does not necessarily mean that I will be endeavouring to bring this Bill to the House in September, it will really depend on the extent to which I may have to alter it and the time frame.

The Bill itself is now a comprehensive Bill with substantive sections in it, deals with the Preliminary, Water Supply, Nuisances, Offensive Trades, The Public Health Laboratory Service, Notification, Prevention and Suppression of Diseases, Sexually Transmitted Diseases, Swimming Pools, Rodent Control, Removal and Disposal of Refuse and Garbage, Control of Trade Effluents, Cemeteries and Crematoria, Power of Officers, Legal Procedure and lastly the General Provisions.

In fact, Mr. President, I think that once this is introduced along with the draft regulations which relate to ships and aircraft as the first set of regulations to go with it, it will begin us on the road to what is probably one of the most vital pieces of legislation that any country can have and, that is, its Public Health Law for the prevention of and the preservation of the Public Health within the community.

The Regulations which have been looked at have really been to deal with reducing the likelihood of disease being brought into the Island, either from ships or aircraft, and once we have dealt with the external control as such, then we will go on to the other regulations internally.

Also in draft with this and which would have to be brought at a later stage is a Food and Drug Law, which deals purely with that aspect to it, that too is a very comprehensive piece of legislation and I have chosen at this stage only to deal with the Public Health Law first. I would ask Members to scrutinize it, it is a bit heavy going, it is very comprehensive and it does deal in places where regulations will be made, but all important matters are actually within this Law unlike the previous Law which was really to produce regulations under it with an enabling type of Law.

HON. TRUMAN M. BODDEN (CONTINUING): Once again I would ask that the public within the month that is given for this, if they would look at it from a contructive point of view and any aspect to it which they feel should be altered, to let me know at this stage rather than taking the destructive approach after the time has closed and we are then trying to polish the Bill and finalize it to come back and say, "here is what we now think", and I guess during the first one month not thinking at all. So, Mr. President, I propose this coming week to have this put out in the newspapers along with the Social Services Policies to the public in a condensed form saying where copies can be reached and received and then to really take it from there in accordance with the wishes of the people. Thank you.

MR. PRESIDENT: The paper on the Draft Public Health Law, 1980 (Revised) is ordered to lie on the Table.
We can proceed with question.

QUESTION

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

NO. 29: Will the Member say what amount of stamp duty has been collected on the transfers of land from the 2nd January, to the 31st May, 1980?

ANSWER: The total amount collected from stamp duty on land transfers from the 2nd January to 31st May, 1980 is $1,951,328 which represents 71% of the current year's annual estimates.

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

GOVERNMENT MOTION NO. 6 - SWAMP LANDS

HON. G. HAIG BODDEN: Mr. President, I move Government Motion No.6 and I can only trust that we will be as successful in this Motion as we have been in all the work of this Legislature over the four years. Looking at the reply that has just been given to the question on the collection of stamp duty, I can only say that this administration must be doing something right, or we could not have such excellent results.

The Motion seeks to put an end to the controversy which has existed over the swamp lands from the time of the Adjudication of the Duck Pond area. More has been said in this.....

MR. PRESIDENT: On a point of order, I think the Honourable Member should read the Motion.

HON. G. HAIG BODDEN: Yes, Mr. President.
Government Motion No. 6:-

"WHEREAS under section 20 of the Land Adjudication Law, 1971, the Tribunal determined that claimants for land in the Duck Pond and Rum Point Registration Sections should have as their northern boundary the centre of the swamp, as shown on the Index Map (that is, the Map that has recently been circulated) (there are exceptions in the Rum Point Registration Section where the centre of the swamp is not in a northerly direction) and that the balance of the "land" be recorded as Crown as trustee for the people of the Cayman Islands. (The Index Map shows the eastern and western boundaries of parcels as being extended in a northerly direction from the claimants' original "dry land" parcels).

WHEREAS the majority of landowners in the Duck Pond and Rum Point adjudication areas claimed the swamp land extending to the North Sound from their "dry land" parcels on grounds of documentary title or possession, a total of sixteen claimants were recorded as owners of half the swamp land. Five claimants were recorded as owners of swamp land extending to the North Sound and such owners had the same root of title as some of the owners who were refused title. Nine of the claimants were aggrieved by the decision of the Land Adjudicator and appealed to the Grand Court under section 23 of the Land Adjudication Law, 1971.

WHEREAS in the land adjudication process, all other swamp lands in the West Bay peninsula and South Sound were adjudicated in favour of claimants, it is considered that justice and fairness demand that a similar ruling should be made in respect of the said claims in Duck Pond and Rum Point Registration Sections.

BE IT RESOLVED that subject to the exercise by His Excellency the Governor, on the advice of the Executive Council, of the powers conferred upon him by section 9 of the Governor (Vesting of Lands) Law (Revised), and subject to the said claimants giving waivers and indemnities satisfactory to the Government, grants be made of parts of the swamp lands in the Duck Pond and Rum Point adjudication areas known as the Duck Pond Area in favour of the said claimants in such manner and to such extent as the Executive Council shall consider fair and reasonable having regard for the circumstances of each case and for the principles followed in making adjudications in the West Bay and George Town Areas".

As Members know, the Land Adjudication process was started in the West Bay area and appeared to have gone reasonably well up until that part of the Island had been concluded. It has always been my opinion that when they reached the Duck Pond area, a different process of adjudication was applied, and Government as a result of this process has been recorded as the owner of certain lands. Perhaps the reason will never be known. In this Chamber more has been said on this subject than any other subject with perhaps the exception of Cayman Airways.

In 1975, a Motion was brought to the House on similar lines of the Motion being presented today. The Lady Member from George Town had also brought another Motion earlier in the year which has sought to define local custom in dealing with swamp lands. Many questions had been asked on the subject, the matter had come to the House by way of a petition which has resulted from a public demonstration, and so the fact that the public has been aggrieved is quite well known and we as the Legislators should always attempt to correct any grievances.

The Adjudicator, when he reached the Duck Pond area found himself in a dilemma, and he got out of this dilemma the best way he could by trying to make everybody happy, and in so doing he committed an error and that error was in dividing the swamp lands between Government and the owners who had claimed. He made the division by using a yardstick which said that Government as owner of the foreshore was entitled to half of the swamp lands. This was a strange custom brought into our midst by a stranger and adopted by the Board - the Adjudication Tribunal, and right away became the Law of the land.

In a recent ruling by the Chief Justice, he said that Government would have had a better claim if Government had claimed all of the swamp lands, but there was no way that the Adjudicator could give half of the land to Government and half to other owners, because he could not find any custom for it, and in the particular case that the Chief Justice decided, he ruled against the Government. One statement from his judgement is, that no custom can cut down that legal estate to the whole of the land claimed, and the title accorded to the Crown to half of the swamp land in this claim must therefore be cancelled and the Register altered accordingly.

We, that is, the Members who survived the traumatic Election in November, 1976, were elected, were in fact given a mandate to return these swamp lands to the owners. It was a part of my election platform and it was also a part of the other Member's from Bodden Town, it was a part of the Lady Member's platform - (that is the George Town Member), it was a part of the North Side Member's platform, and while it may not have been a part of the platform of the Member for Communications and Works, nevertheless he had shown a sympathetic

HON. G. HAIG BODDEN (CONTINUING): lean towards it although it was not an issue in Cayman Brac.

I have said this before in this House that no matter how Members may differ, the fact is that those Members who were re-elected had three things in common; a desire to return the swamp lands, a mandate to change the Development Plan and a mandate to prevent the Island from going further into internal self-Government, which had been started by the previous administration when they introduced the new Constitution in the latter part of 1972. And so, I do not ask if we take this action today whether we will be returned in November on this cause. If there are any voters who have to make a choice, if they feel like voting against us on this issue they can do so, but I feel that since it was a part of our platform to redress this wrong which had been done, I feel that we are completely safe.

Now in 1975 when a similar Motion was brought to the House, the people who opposed it did not perhaps understand how important an issue it was, they perhaps, had closed minds to it, they had been accused of laying down the policy for the dealing in swamp lands and whether they have done so or not, it does not make any difference because section 26 of the Land Adjudication Law gave to Executive Council the power to make regulations for carrying out the purpose and the administration of the Land Adjudication Law. And, so whether they made the directives or not, they have to bear the blame, because if they made them they so directed the Adjudicator, and if they did not make them they were still negligent in their duties, so nobody else can bear the blame. The Adjudicator is a stranger, he knew the system that had been applied to the West Bay peninsula and all that the people of these Islands expected of him was that the same system would apply until the adjudication was finalized. And so, this is one action that the previous administration will never outlive.

I do not want to be too long today, but I would like to mention in passing that this matter had been discussed in greater detail with all the Members at an informal meeting that we held a few weeks ago. At that time I heard no objection from any Member to it. Initially twenty-four parcels of land had been involved in this process, six of those parcels were given by the Adjudicator to the claimants with all of the swamp land running to the sea or the North Sound. In these cases the Adjudicator relied upon documentary evidence because the then owners of those parcels had purchased those parcels, a little more than 12 years prior to the adjudication process.

Now here is the anomaly - if those six claimants had not bought that land 12 years ago from Mr. X, Mr. X, who had owned it for 300 years would have lost his land, and clearly this cannot be right, because the succeeding owner can have no better title than the person from whom he succeeds.

One other parcel was the subject of a recent Grand Court hearing, and as mentioned earlier the Chief Justice gave that parcel of land to the claimant. Here again the claimant had claimed that he owned a document that was 60 years old and the Adjudicator had discarded that document saying it was too ancient and ambiguous, and the Chief Justice in his judgement clearly states that the Adjudicator had erred in that finding. The document which was 60 years old was as new as if it had been written yesterday, and to read the exact words:- "that the Adjudicator held that the deed was ambiguous and that because it did not recite the extent or area it was not a good root of title". In this respect he erred, the deed is not ambiguous.

Another parcel of land which is still the subject of appeal is a parcel that came from the same root of title as the parcel which the Chief Justice has given to the claimant. And in his judgement the Chief Justice indicated that this parcel should be decided the same way as the one he decided, because they had the same original title. That leaves sixteen parcels, the other sixteen claimants had all claimed at the time of the adjudication, they had all petitioned the Adjudicator, all of them lost. Nine of those claimants appealed to the Grand Court, those appeals are still pending, the other seven did not appeal. I can only say the reason that they did not follow through was because these people as the public knows are too poor to appeal to the Grand Court and they did not have the finances to follow through, although they had claimed the land, they had petitioned the Adjudicator.

So with that brief summary of the appeals of the claims we are dealing with, I would ask the House to support this Motion. If you feel that what has been done was wrong, you have an obligation to correct it. Do not be afraid of the scandal sheet which you see, because what is written in that

HON. G. HAIG BODDEN (CONTINUING): this week on this subject was said - those words, those exact words were used in this Chamber over the years to deny the claimants receiving their land. So those same objections as have been voiced in the past did not prevent any of you from getting elected in 1976, and if they are repeated a hundred times, they will not prevent you from being re-elected, because if a thing is wrong, it is wrong; nothing can make it right unless you do away with the wrong, but as long as the wrong exists, the wrong is wrong. And so with these words I would ask for the support of the House on this Motion.

MR. PRESIDENT: The question is as follows - I shall read the resolution section of the Motion.

> "BE IT RESOLVED that subject to the exercise by His Excellency the Governor, on the advice of the Executive Council, of the powers conferred upon him by section 9 of the Governor (Vesting of Lands) Law (Revised), and subject to the said claimants giving waivers and indemnities satisfactory to the Government, grants be made of parts of the swamp lands in the Duck Pond and Rum Point adjudication areas known as the Duck Pond Area in favour of the said claimants in such manner and to such extent as the Executive Council shall consider fair and reasonable having regard for the circumstances of each case and for the principles followed in making adjudications in the West Bay and George Town Areas".

The Motion is open for debate. Before the debate starts I should bring to the notice of the House Standing Order 35 (1), which says, that-

> "Reference shall not be made to any matter on which Judicial decision is pending in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto".

Having taken advice in the matter I am satisfied that a general debate of this nature will not prejudice the interests of the parties concerned.

HON. JAMES M. BODDEN: Mr. President, I would like to draw your attention and the attention of the House to Standing Orders 78 and 79, and under those two Orders I declare a pecuniary interest in this and will not be speaking on it, or will not be voting.

QUESTION PROPOSED: DEBATE ENSUED.

MR. CRADDOCK EBANKS: Mr. President, I could probably use the whole day saying something on this Motion, however I will not make it that lengthy, but undoubtedly I could not let the opportunity pass and not say something on the Motion.

I think that I was one of the most determined Members against the whole adjudication system when it was presented to this Government, because I felt that all that was being said that would be done was not going to be done. It was taken to the public by the head of Government, but it was the only alternative safe measure in protection of your land. And to have this done we did not have to worry, the people, the taxpayers, the landowners were assured that it would not cost them one penny. I will, Sir, forget about that negative part of it, but dealing with such an important issue as the people's life_line the truth ought to have been told to them, and stick to the truth.

During my short period in this House, Sir, it was only once that this Island came to the brinks of a climax, with a hot-tempered atmosphere and this swamp land was what created it and by then the Government - it was the first in the history of this Island, as far as I know that Her Majesty's ship was anchored offshore in the case to quell and make peace. I said then, and I will repeat that it was a reproach on the behaviour of the Cayman Islands. It went to the extent that when it was to be debated,

MR. CRADDOCK EBANKS (CONTINUING): those windows and doors across the side of this building were barricaded, the public was not supposed to listen to their own rights and freedom of this country.

I see it in the Press from time to time where the people are being deprived of their freedom, but that was the first time to the best of my knowledge that the people of this country were being deprived of their rights and privileges and freedom when they were not supposed to enter that building and to listen to a debate on their own property. The whole Police Department was armed, strolling around with ammunition, that is why I said in the beginning that I took strong objections against the whole adjudication system and there are still problems today. They used Turks and Caicos as a pilot scheme, which they had nothing to adjudicate, sorry for the suffering people on that little territory. I wonder how many other Islands in the Caribbean are adjudicated today?

I am asking the question, Mr. President, what is the life limit of a document since it has been stated that a document of 60 years is too old? I do not know if we have any Laws saying that the life of a document is only good for X years. I thought from my common sense and what I have read and known and dealt with documents, that a document stood for time and eternity. There are other documents such as receipts, or they are stamped; land documents or other documents are made up of a little different nature, but any receipt, any document that covers and specifies the safety and the security of dealing with matters, then those documents ought to be good always.

There were a few Members during the time of dealing with the adjudication who objected to a number of things that were proposed by the Adjudicators. One had to wait twelve years for a full title, I disagreed with it, Sir, and I still disagree with it and if my life is spared I am going to bring a motion to the House in September asking that this be revoked.

Any individual who declares a piece of property as their property, the Adjudicator ought to accept it until somebody else comes in and makes a claim, and then it is between the two parties for the Courts to settle. But because I do not have a document for 25 years, then I cannot get a title even if they adjudicate it, even if it is taken, I cannot get a clear title to it until after twelve years. I disagree with it, Sir, because during that time of waiting, I could do nothing with the land except probably cultivate it, then if I wanted to sell, if I wanted a mortgage, I could do nothing about it, and I do not feel that Government should have people's property tied up to where they cannot use it when they want.

In the whole system of it - the Land Adjudication Law, areas that were defined for different purposes, it was made clear that the landowners could do nothing about it until Government was satisfied as to whether they would need the land or use the land or not, but some of that has been cleared up.

I have my father's estate that I administered on five or six years ago, he left no documents, he did not leave a Will, but there has never been any dispute on his property. And there is one member of the family who a share of the property belongs to, and that member can do nothing about that property if he wants to sell it, or mortgage it, or anything else simply because it has not been twelve years since the adjudication has gone into effect. There are other people in the same circumstances. I go across the land office occasionally and there is always a string of people in there with grievances about their land, they have not got it finalized, they have not got it settled, they have not got it straightened, they have not got a clear title to it and they cannot find out why.

Mr. President, I think the Memorial Service yesterday evening was well brought to light, the words said were well spoken, Sir. The foundation of this Island, this country, has been built by the farmers and the seamen, they are the ones that have made the sacrifices of life through the times of turmoil and the hardships and difficulties with no finances to make this country what it is today. And I do not feel that any Government should play any part or take any part in depriving any Caymanian, any national

MISS ANNIE HULDAH BODDEN (CONTINUING): Referring to what the Honourable Member from North Side said, that was the first time there was almost an insurrection in this place and it was very, very, very hard on us to see all of our good names, I must say, torn to rags - a warship out in the harbour, the Town Hall barricaded, police with tear-gas, and they even went as far to have revolvers in their pockets, and there were our representatives so infuriated I must say, they tore the bars from the windows and they really made it known that they were not afraid of tear-gas, guns or anything else. But, Mr. President, it had its price, because shortly after that I was one of the opponents and I had a case in Court and the Judge was to ask for a case to be reopened and that Judge insulted me, "You sit down, sit down, sit down", and of course I had to try and sit down because I could not afford to be put out of my bread earnings.

Well there were Jamaican Queen's Counsels in that Court and they said, "Miss Bodden how could you stand such abuse?" I said, "Well I know the reason and I will take it, but time will tell that I was right". And I feel, Mr. President, today that we would be doing a dishonour to the people who have entrusted in us and brought us to represent them .....if they have documents to prove their claim that they should be deprived of their swamp land.

Now, Mr. President, while the First Official Member might not agree with me, or the Second or the Third, I must say that the First Elected Member to the Executive Council, although he does not treat me with too much respect nowadays, I will tell you, Sir, that when we had a case in the Court House that I was very proud of the way he conducted that case. I do not think that there are any Lawyers anywhere in the world who could have gone to that Court House and defended the rights of the people like he did, and I admired him for it and I still say while he is not an orator he is certainly a good land lawyer. And I feel, Mr. President, today that all of us here should be proud that we can protect the rights of the people, and I wholeheartedly support this Motion, I shall give it my full support because I happen to be one of the - I do not know if they were unfortunate or fortunate people who were returned here in this 1976 election. I do not know if I will make it in 1980, but regardless if I do or not I will still say that the pleasure and the only pleasure I have is coming to this Assembly and protecting the cause of those people who cannot protect themselves. Thank you, Sir.

MRS. ESTHERLEEN V. EBANKS: Mr. President, I rise to support the Motion before the House. I can clearly remember in 1976 when people were still very aggrieved about the situation of their land being taken away from them, I can remember people saying then that they did not know that - and maybe I should not even make this statement, but they said at that time that they did not know that people would steal from themselves. What they really meant is that they felt that the Government was stealing from them, and actually the Government is the people, so they were very disturbed about it and they wondered why it was only in certain sections of the country that the lands had been taken. So, I am happy today to support the Motion and I hope that it will only be those holding documents that will get their land back (holding good documents, that is), and with those few words, I support the Motion.

HON. D. R. BARWICK: Mr. President, it is clear that the subject matter of this Motion is one upon which strong views are held, and it is also clear that the subject matter of the Motion has implications which go far beyond the boundaries of the land itself. Notions of what is fair, notions of what is just, weigh heavily in the minds of those who preceded me in this debate, and there is nothing which is to be treasured more than the right of this Honourable House to express its resolve on issues in accordance with its sense of what is proper and what is just.

HON. D. R. BARWICK (CONTINUING): At the same time, it is my duty as I see it, to put into the records of this Honourable House the views which I take on the legal aspects of a number of the appeals that are now awaiting determination before the Grand Court in its appellate jurisdiction. I feel that I put the matter quite clearly when I say that the Adjudication dealt with the larger number of the cases in question in the belief, not that their decision was going to turn on a finding that the claimants had satisfactory title to the swamp either by reason of documents or by reason of possession. Their award of the half of the swamp to the owners on the landward side, and the award of the half of the swamp on the seaward side to the Crown was based on a conclusion that there was a local custom justifing that division.

As the Honourable mover of the Motion reminded the House in his judgement in the appeal relating to the land of one Stanshal Eden, the Honourable Chief Justice indicated that the Adjudicators erred in determining and acting on any such custom. As a general statement it seems abundantly clear that except where documentary or possessory title can be established to swamp lands by individual owners, and I am quite happy to concede that this will be so in a number of the cases outstanding, those areas are vested in the Crown and held by His Excellency the Governor on Trust for all people of these Islands.

Having so said, I think it might be appropriate if I just dealt with the other two aspects of this Motion which are legal in nature. If the Motion now before this House is carried and if the power which Your Excellency has under the Land Law Vesting Crown property in yourself, that would constitute no interference with the process of the Courts or in anyway amount to a contempt of the Court. As I read the Motion it passively accepts that the strict application of the relevant legal principles made, (and I deliberately state it no more strongly) may well prevent the claimants from succeeding in their claims. But the Motion goes further, as I interpret it, and invites the resolution irrespective of the results which the hearing of the appeals might bring. If the resolution is passed and if the grants are made there will be savings of both time and of money.

Now lastly, as I apprehend the Law, His Excellency the Governor, acting under the powers conferred by section 9 of the Law that I referred to, The Governor (Vesting of Lands) Law, having consulted the Executive Council, can lawfully make the grants of public land vested in the Crown should the best interests of these Islands require it. And I am sure that you, Mr. President, Sir, in your other role will be guided considerably by what has been said during the course of this debate in taking and considering the exercise of your powers.

HON. TRUMAN M. BODDEN: Mr. President, I think the last speaker has clearly set out the position in relation to the resolution. I would like to just deal with one or two of the non-procedural aspects of this, in an effort to perhaps clarify some of the.....or at least point out some of the ambiguities that both the Courts and the Adjudicators and their assessors have faced from time to time.

I am firstly grateful to the Honourable Member from George Town - the Lady Member for her kind compliment, I have always regarded her as the authority on land Law and it is good that she concedes one little bit from time to time, and I was associated with her in this matter as in many other matters relating to land.

Mr. President, the problem in the Courts and with the application of the custom section of this Law which is section 16 (2), subsection (a) and the proviso to that set up a very general proviso that basically said where it is established, whether by local custom or otherwise that any parcel of land includes an area of swamp or cliff land, the occupation or use of the other areas of such parcel should be deemed to be a possession of the swamp or cliff land also. It is around that proviso that most of the legal argument has been around, coupled with section 16 (1), paragraph (a) and subparagraph (i) and (ii). The Law did not clearly state what was local custom nor did it state clearly whether this was to be

HON. TRUMAN M. BODDEN (CONTINUING): But according to the Law, I think that is very clear and if there is a document twelve years old, then is it deemed to be a good root of title under this, and also if the possessory title is for twelve years.

That, Mr. President, is about as far as I can contribute on this matter, and I will ask Members to support the Motion.

MR. J. GARSTON SMITH: Mr. President, I did not intend to speak on this Motion, but as I remembered the good old bibical saying, "do unto others as you would like them do unto you", that is why I rise to support this Motion before us here today.

Undoubtedly, Mr. President, this Motion is a good one because it seeks to give the people of these Islands the rights to which they are entitled.

Mr. President, this Motion does not apply to my constituency because a different process was carried out in that area of the Island, and the people of my District did not suffer as much as the people from the eastern Districts. I am supporting this Motion because I feel that every citizen of these Islands should have equal rights whether it be in my District or in any other part of these Islands.

Mr. President, I cannot say for sure why this sudden change came about when they entered the eastern Districts, but, Mr. President, I do know that a different principle was used and I am saying here - very openly here today that this is not right and that the people should be given back their swamp lands.

I remember quite well as the Lady Member from George Town and the Member from North Side stated about the turmoil that was in this - not this Legislature, but the old Town Hall, and we had a warship laying off in our waters, Members had to sneak out of the Town Hall because the people were so angry with them of the stand they had taken against them.

Mr. President, as I have said before, I support this Motion and I urge all Honourable Members of this House to support this Motion for the benefit of the people of the Cayman Islands. I thank you, Sir.

HON. V. G. JOHNSON: Mr. President, I rise to support this Motion which seeks to resolve land issues in the Duck Pond and Rum Point areas.

Mr. President, as I see it the only objection that I would see to the Legislative intervention at this stage, would be if the matters were under subjudice of the Court, but as I understand it even the Courts apparently would breath a sigh of relief if these particular issues could be resolved in some amicable manner.

Mr. President, I am a believer in consistency, I also believe that rules should be applied equally across the board, not to apply it in some cases and ignore it in others.

The Seven Mile Beach area was adjudicated and the end result was that all the swamp land in that area went to private ownership. I dare say that the Government had an opportunity to claim areas - I do not know what the result of it would have been, but I know this, that the Government did not lay any particular claim on any of those areas, and therefore they advanced no interest during the period of adjudication.

To go and claim on areas in the Duck Pond and Rum Point areas was a measure in my opinion of inconsistency when they had allowed areas along the Seven Mile Beach to slip out of their hands, but yet they went into those areas to make specific claims. I do not think that Government should be a party to such attitude, I think consistency should be displayed from the beginning to the end of the adjudication.

However, Mr. President, I do agree with other speakers that Government should only consider those cases where claims are made, that is to say, claim on the swamp area in those areas, and especially when such claims are seen to be justified and valid. I think this Motion seeks to do just that, especially in the wording of the resolve section and I agree entirely with what is proposed, and so I too, join with other speakers in supporting this Motion. Thank you.

HON. TRUMAN M. BODDEN (CONTINUING): localized or general to an Island. In English Law custom has never given proprietary rights, it has only given rights relating to matters such as easements and profits and therefore its peculiar insertion in this proviso to section 16 (2) has given rise to a considerable amount of confusion.

However, what is, I think a principle that must be carried out and carried out equitably is that the standard applied to local custom, or for local custom in these Islands should be one which is applied throughout the Island. I think, Mr. President, it is so small an Island to hold that there can be one local custom in one District and have it being altered in another District within the same Island, is perhaps stretching the foot of equity somewhat far.

So really, Sir, what this resolution now endeavours to do in a nutshell is to apply that custom uniformly throughout this Island as it has been established in probably ninety or ninety-five percent of the Island. All the property up and with one or two exceptions, Sir, up to this adjudication section, the custom was applied one way and when it reached here, then there was a division in relation to the swamp and it went half and half.

I should mention that most of this swamp land is subject to the Development and Planning Regulations and the Plan whereby approximately 500 feet along the coast will be kept out and will not be subject to building.

I should mention, as the learned Attorney-General has pointed out, that the principles of adjudication do not only relate to documents but they relate also to what is called open and peaceful possession, which the Honourable learned Chief Justice has a different meaning from quiet possession under the Limitation Actions Law, so that all of these claims will not necessarily fall under one part of the Law relating to documents only, some of these do fall under the question of - is it open and peaceful possession? And this section here really says that once they establish that they have possession of land, which presumably means land defined in the Law, then there is a presumption of occupation or use of the swamp and it does not necessarily carry with it that there must be actual possession or use of the swamp because of this proviso deeming that possession to arise as a result of ownership of land. So, I think the Member should also consider that first leg of section 16 (1), that we will be dealing not just with documentary title but also with appling that proviso and looking at open and peaceful possession as defined in this Law.

To conclude, Mr. President, the resolution is one which I feel is fair and equitable, what has been good for one part of the population in this Island is good for the other and the principles should be applied in a uniform way and even if the assessors and the Adjudicators did endeavour to localize the custom to Districts, I believe the intent of the Law here had to be that what applied to the Island itself as a custom should apply to all of it and on that basis, I feel that we are quite in order to pass the resolution. As the Honourable Second Official Member stated, it does not prejudice the interest of any matters before the Court, and hopefully this will provide an equitable settlement and an end to a lot of the probable litigation that would have resulted from going through some very long and complex appeals here and appeals in the Higher Courts. So I support it, and I would ask that Members do support the Motion.

I should mention just one other thing. As the Honourable First Member for Bodden Town, the mover of the Motion, pointed out that some persons here with the same root of title, but who had a conveyance subsequent to that title, but prior to twelve years have had the property adjudicated. The principle on that is very clear and that is quite right despite the fact it does create sort of an anomaly when you do apply it, that a person with a good title, but with no intervening documentary title subsequent to that, may not get possession and ownership to a parcel of land.

MR. CRADDOCK EBANKS (CONTINUING): true born Caymanian the privilege of enjoying his or her piece of property. No matter however long this rock may be afloat, there will be land problems and the Land Adjudicator will not solve them as has been said either.

I know if somebody moves my boundary marks the Land Adjudicator can go and put it back or point out the identical spot that it was in, but it will cost me $30.00 probably for them to go and put it back. So there will never be any end to land disputes.

It was for reasons that the majority of the population of this Island do not know why there was a different directory issued after crossing George Town with the swamp land. They gave all landowners on the western peninsula titles without any question, whether they ha' documents or not, whether it went to the sea or went to the pond there was nothing done about it. Simply, Sir, as has been said, they wanted to cut off the east from the west, they thought that the Eastern Districts' landowners could have been easily deprived of their land, but with common sense and understanding they knew they owned the land for many, many years and they had enough sense still to hold on to it.

And I hope, Mr. President, that in giving my support to this Motion that these landowners will be given a title to their property, to their swamp land, because there are no areas that I know of that Government ever had access to , that Government ever had roads to , that Government did anything. We have enough sense to know that sea boundaries, sea areas - Government owned water boundaries up to the high water-mark, whether it be three feet, six feet, ten feet; no one is trying to dispute that and Government has the right and privilege to obtain any land if it is even by law, for the benefit of the people of this Island, but do not deprive people of what they honestly worked for, paid ten shillings for a piece of property 50 or 60 years ago, or twenty-five shillings for a piece and then come because Mr. so and so feels that it should go to Government. I feel that that is very unfair, and I trust that when this is rectified that there will be other anomalies in the whole adjudication system, in the registry that it will be taken care of and then if it is as has been said, there will be no more land problems, I would like to see that then, Sir. I thank you.

MISS ANNIE HULDAH BODDEN: Mr. President, I rise to support this Motion, but with your permission, I would like to clarify two little subjects before I go into the swamp land business.

The first one is, Sir, I am very sure that all the allusions made in this Chamber concerning Cayman Airways', Limited money business, they are alluding to me as having taken the information from the Finance Committee meeting. I would like to say that three weeks before I ever heard of any Finance meeting (a Sunday morning) my telephone rang and I was informed that the people who are mixed up with the airlines had been drunk at the Airport and they were talking among themselves that the Government would have to subsidize this airline for $1M per year. They asked me, "What do you know about it?" And I said, "I know absolutely nothing". I said, "How do you know?" Well they said, "These three people were discussing the matter, they were so drunk, one was leaning down, the other one went to sleep and his people or the one that was asleep, he had to be removed and somebody else slipped in and the real boss of the show was so drunk he did not realise who he was talking to". Well, that is how the information got out three weeks before this Finance Committee meeting, and Annie Huldah Bodden had nothing to do with it, but I am very sure.....I just want to correct the minds of these people who believe that I am taking tales out of school.

The next thing is, these few little words that I said that so much was made of and I was called I would say a traitor, but I would like to inform you, Sir, may be you have heard of it before that in 1968 we had an abortive election in George Town. I hope it does not happen this time, but it could, that a lot of people who should have been on the list were left off and people who were there only a few months could go into the Town Hall to vote and there was an insurrection I would call it, the police had to use tear-gas and everything and our Assembly had been prorogued from September, and this abortive election caused the then Administrator a trip

MISS ANNIE HULDAH BODDEN (CONTINUING): to London and the Queen declared January would be the election.

During that time the then Administrator ran the Island with his Official Members and no Legislators. And if I had known that it would have caused such a turmoil and that I would be so harassed I would not have said that that day, but I did not, and I resolved Friday morning that I would have absolutely nothing more to do in this Assembly, but only cowards give up and I am not a coward.

With that explanation I hope those who have accused me of trying to say that you can run the Island as a dictator will understand the situation.

Now I am going to move on to this swamp land business. Mr. President, I was one of the strong objectors to this Land Adjudication Law, period. The day that it was brought to this Assembly first, our dear departed friend from Bodden Town, Mr. Hunter, was discussing the matter, he was taken ill and he finally died. People came and tauntingly said to me, "You will be the next one get a heart attack because you are defending this thing so strong". I said, "God helping me, I will not have a heart attack because I am not fighting for my own interests, I am fighting for the good of the Cayman Islanders, principally from George Town going east", because in the West Bay section the people were given swamp land regardless if they had it or they did not have it, previous to the land adjudication business, they got it without question.

When it came to White Hall, we call it, a client of mine, Mr. Reginald Parsons (I will have to call his name), he was deprived of his swamp land, and it cost him $10,000 to have it evenutally returned to him in the Jamaica Court of Appeal sitting in Grand Cayman. Then, I will say, Sir, while I do not agree with everything these other Members say, especially now that they have voted against me, if they will tell the truth, they know I fought the issue with them because I did not think it was fair what was being done.

Mr. President, I feel that our land has been our bank in olden days, and from the time I can recall I was associated with law from before I was sixteen years old. I have documents in my office which said, "I own half of the swamp, buttonwood and cliff", not any new documents. I would say, they were ancient documents and I felt that that same thing should have gone on.

Now if Government had been inclined to take all the swamp land and give it to the people as they say, it should have started West Bay, George Town, Bodden Town right around the Island. It is not fair to be partial with some people and I suppose in the Eastern District they might be counted - and I suppose not quite so wealthy as on the other end of the Island and to trample them. I objected, and I still object and I feel that this is a good move.

Furthermore in my manifesto in 1976, I made promises to my electorate, and one of those promises was - I shall endeavour to have swamp land returned to those people who have proper documents, and I stand by that. Further, Mr. President, I am the only human being that has ever lost any money on this land adjudication business, because I stood up for what I believed was right and a West Bay representative of the people wrote it in, (I believe, in the Compass it was then) that I was only trying to feather my own nest. I had no interest in the people, I was trying to get jobs for myself in the Court. Well, I demanded an opology and I did not get it, I sued him, it cost me $1,575.00, I got judgement for $1,500.00 and I never collected a cent, because money is not everything to me, but principle it means a lot. And, Mr. President, I feel that we, as Legislators should attempt to pacify the people when they are right, when they are wrong they must take what wrong doers get.

Now, Mr. President, I also understand I do not know if it is correct or not that there are certain people in the area somewhere east who may be getting six miles of swamp land and they have not got any dry land adjoining, now I do not know if that is correct I am only saying that is what is talked. I do not feel people in that category, that they should get swamp land if they have not got the dry land connected to it. But regardless, if they can prove their case whoever it may be let them have their land back.

MR. PRESIDENT: Are there any other speakers? Does the Honourable Member wish to reply?

HON. G. HAIG BODDEN: Mr. President, I would like to thank the Members for supporting this Motion and I would like to say that I emphasize again that all we are trying to do is to maintain a consistent position with regards to the adjudication. Many speakers have mentioned that the West Bay area was adjudicated, all the claimants received their land with the exception of one, that case went to an Appeal Court and at that time the claimant received his land at a cost of $10,000. It is also a fact that when the adjudication reached the South Sound swamp an administrative or executive decision has never been able to determine which was made that all the swamp in South Sound should go to the claimants, and all the swamp did go to them. It was only when the Duck Pond area was reached and this was perhaps the last opportunity for Government to lay claim of swamp lands that the process seemed to have gone off in another direction, and so claims were laid. And as I recited earlier these claims that have so far been tested have all been reversed, the Motion will help to speed up the process saving time and money both for Government and the claimants.

A couple of Members mentioned documentary evidence as being a condition for ownership of swamp lands, but throughout the Adjudication Law there are two criteria for determining ownership, the secondary one is that of documentary evidence. I call it secondary because it is mentioned second in the Law, the first criterion being that the Records Officer is satisfied that a person is in open and peaceful possession of a parcel and has been in such possession by himself or by his predecessors in title for an uninterrupted period of twelve years or more. So it would appear to me that The Adjudication Law recognizes ownership by possession and we cannot discard ownership by possession.

I am very grateful for the President pointing out that this Motion cannot be in contempt of the Courts, it cannot in my opinion be prejudical to any case, because the person appealed against is really the Government, and as far as I am concerned the sixteen people sitting here are the Government. This is a fact that has been hard for some people to accept especially since November, 1976, but whether people like it or not the Members of this House together with the Governor formed the Government or the policy making people.

No matter how efficient the Civil Service may be their only role is to carry out the policies laid down by the Government.

The final matter that I want to deal with is the part of the Law that I believe was most misunderstood by the Adjudicator and that is section 16, 2 (a), second paragraph.

> "PROVIDED that where it is established (whether by local custom or otherwise) that any parcel of land includes an area of swamp or cliff land, occupation or use of the other areas of such parcel shall be deemed to imply possession of the swamp or cliff land also".

To my mind it is one of the clearest sections in the Law, it says that where it is established that any parcel of land includes swamp, occupation or use of other areas of such parcel shall be deemed to imply possession of the swamp, it does not say anything about possession of half the swamp. So that if it is established that the swamp is a part of the parcel of the land, the fact that the claimant can establish that he owns the dry land gives him, under this section of Law, the implied possession of the entire swamp, and where this matter of half the swamp crept into the records is unknown to me. It did arise in September, 1961 when a remark was made that possession of dry land would give you half of the swamp, but that remark in 1961 - no I am talking about Dr. Roy McTaggart's words in September, 1961, when he said it had been a general practice that the owners of dry land shared any swamp that lay between them, but that is an altogether different matter and need not come into this case. So it is quite clear that the Adjudication Law itself gives the owners of a parcel of

HON. G. HAIG BODDEN (CONTINUING): land the entire parcel of land if the owners can establish that they have used the dry land. And, so with these few remarks I would again say that I am grateful to the Members for their understanding of this Motion and I believe it is the only reason why it has not been accepted in the past, that either somebody failed the people explaining the Law at that time or the people seeking to put it forward, but now that precedent has been laid the highest Court of the land has accepted the principles. I believe that it is not only fair to the people concerned, but like the Rotary motto it will also bring goodwill to all concerned.

MR. PRESIDENT: The question is:

> "BE IT RESOLVED that subject to the exercise by His Excellency the Governor, on the advice of the Executive Council, of the powers conferred upon him by section 9 of the Governor (Vesting of Lands) Law (Revised), and subject to the said claimants giving waivers and indemnities satisfactory to the Government, grants be made of parts of the swamp lands in the Duck Pond and Rum Point adjudication areas known as the Duck Pond Area in favour of the said claimants in such manner and to such extent as the Executive Council shall consider fair and reasonable having regard for the circumstances of each case and for the principles followed in making adjudications in the West Bay and George Town Areas".

QUESTION PUT: AGREED. MOTION WAS PASSED.

ADJOURNMENT

MOVED BY HON. D. H. FOSTER.

HON. TRUMAN M. BODDEN: Mr. President, with your permission I would just like to make a very short statement. I would like to congratulate you, Sir, on your recent high honours bestowed on you by Her Majestry. It is a very well deserved honour, your able and wise governing of these Islands is appreciated by Caymanians, but it is always very good to see Her Majestry confirm that. Thank you, Sir.

MR. PRESIDENT: Thank you very much.

I will put the question that this House do now adjourn.

I would simply like to say that I am grateful to the Deputy Clerk who has taken her first Meeting in the absence of the substantive Clerk, I think that she has done this very well.

QUESTION PUT. AGREED. AT 12:15 P.M. THE HOUSE ADJOURNED SINE DIE.

THIRD AND FINAL MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON TUESDAY, 9th SEPTEMBER, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.M.G. - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. V. G. JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES.*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*
HON. JAMES M. BODDEN	*MEMBER FOR TOURISM, AVIATION AND TRADE*

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. JOHN GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN V. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
CAPT. K.P.TIBBETTS, SR., J.P.	*FIRST EELCTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, J.P.	*MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ORDERS OF THE DAY

THIRD AND
FINAL MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY
TUESDAY, 9TH SEPTEMBER, 1980

1. *PRAYERS BY THE REV. RALPH PICKERING.*

2. (a) *REPORTS OF THE FINANCE COMMITTEE HELD ON THE*
(i) 19TH JUNE, 1980 AND
(ii) 8TH SEPTEMBER, 1980 -
TO BE LAID ON THE TABLE BY THE CHAIRMAN, THE HONOURABLE V.G. JOHNSON, C.B.E., J.P., THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY.

ADOPTION OF COMMITTEE REPORTS, TO BE MOVED BY THE CHAIRMAN.

(b) *REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR 1980 -*
TO BE LAID ON THE TABLE BY THE CHAIRMAN, MISS ANNIE HULDAH BODDEN, O.B.E.

ADOPTION OF COMMITTEE REPORT, TO BE MOVED BY THE CHAIRMAN.

3. *QUESTIONS:-*

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

NO. 30: When the Salaries Commissioner visited Grand Cayman for the first time earlier this year, he held informal discussions with the Members of the Legislative Assembly at the Government Administration Building and they were informed that pensioners would receive an adjustment in their pensions, following the regrading of salaries for Civil Servants. Will the Member say when this adjustment in pensions will become effective?

NO. 31: Will the Member state whether any applications have been made by any newspaper or magazine publication for loans from the Caribbean Development Bank through the Cayman Islands Government and if so, the amount sought, the name of the publishing company and the purpose?

MISS ANNIE HULDAH BODDEN OF GEORGE TOWN TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 32: Will the Member state whether any Government scholarship has been awarded to any Caymanian living in Canada or the United States of America to pursue any course and if the answer is in the affirmative, will the student, on successful completion of the course, be required to serve in the Cayman Islands?

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE G. HAIG BODDEN, MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 33: Will the Member make a statement on the present condition of the Government Demonstration Farm?

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 34: Will the Member make a statement concerning the present position regarding the proposed television service for the Cayman Islands?

MR. J. GARSTON SMITH OF WEST BAY TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO. 35: Will the Member state his findings as to the shortages of drugs at the hospital, referring to previous questions asked and answers given concerning this matter?

NO. 36: Will the Member state what is the present position regarding the Draft Bill to amend the Misuse of Drugs Law which was presented to the House in March, 1980?

Cont'd...../

MR. J. GARSTON SMITH OF WEST BAY TO ASK THE HONOURABLE G. HAIG BODDEN, MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES

NO. 37: Some years ago there was a trailer home imported into the Cayman Islands by a resident of West Bay. The reason given at the time for importation of this trailer home was that it was to be used in the district of North Side for agricultural purposes. Will the Member advise whether this trailer home is now being used for such purposes and if not for what purpose and whether the duties have been paid to Government?

4. GOVERNMENT BUSINESS:-

(i) GOVERNMENT MOTIONS:-

(a) GOVERNMENT MOTION NO. 7 - EXPENDITURE, 1981 - TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, C.B.E., J.P., THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY.

(b) GOVERNMENT MOTION NO. 8 - SUPPLEMENTARY EXPENDITURE - TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, C.B.E., J.P., THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY.

(c) GOVERNMENT MOTION NO. 9 - SUPPLEMENTARY EXPENDITURE - TO BE MOVED BY THE HONOURABLE V.G. JOHNSON, C.B.E., J.P., THIRD OFFICIAL MEMBER AND FINANCIAL SECRETARY.

(ii) BILLS:-

(a) The Banks and Trust Companies Regulation (Amendment) (No. 2) Law, 1980	FIRST AND SECOND READINGS
(b) The Supplementary Appropriation (1978) Law, 1980	FIRST AND SECOND READINGS
(c) The Division Fences Law, 1980	FIRST AND SECOND READINGS
(d) The Towns and Communities (Amendment) Law, 1980	FIRST AND SECOND READINGS
(e) The Music and Dancing (Control) (Amendment) Law, 1980.	FIRST AND SECOND READINGS

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TUESDAY 9th SEPTEMBER, 1980

10:00 A.M.

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

PRAYERS

REV. RALPH PICKERING: Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour, and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

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

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

MR. PRESIDENT: Please be seated.

REPORTS OF FINANCE COMMITTEE HELD ON THE 19TH JUNE, 1980 AND THE 8TH SEPTEMBER, 1980 - LAID ON THE TABLE

HON. V.G. JOHNSON: Mr. President, I beg to lay on the Table of this Honourable Legislative Assembly two Reports of the Standing Finance Committee held on the 19th of June, 1980 and yesterday, the 8th of September, 1980.

MR. PRESIDENT: So ordered.

HON. V.G. JOHNSON: Mr. President, I move the adoption of the two Reports of the Standing Finance Committee held on the 19th of June, 1980 and the 8th of September, 1980.

Mr. President, the two Reports just laid on the Table recommend to this Honourable House supplementary expenditures in the sum of $216,395.00 recommended by the Committee on the 19th of June, and the sum of $2,025,502.00 recommended by the Committee yesterday.

The first recommendation of supplementary expenditure of $216,395.00 is made up of recurrent expenditure $172,475.00 and capital expenditure in the sum of $43,920.00. The recommendation of the 8th of September, of $2,025,502.00 is made up of recurrent expenditure $712,173.00, capital expenditure of $1,063,329.00 and a recommendation to purchase shares in Cayman Airways in the sum of $250,000.00.

Mr. President, although the Budget for this year was quite substantial it was found necessary to apply for additional expenditure. But I should state, Mr. President, that although we are asking for supplementary expenditure this year, the total of which is something in the order up-to-date of $3,417,810.00 the total

HON. V.G. JOHNSON (CONTINUING): expenditure for the year may not exceed the approved Budget. We find in many, many financial years that it is necessary to recommend supplementary expenditure, while at the same time there are savings under other Heads of expenditure, and so when we come to the end of the year in preparing the final accounts we find that one balances the other. In other words, the savings under certain Heads balance the supplementary expenditure requested by the Heads of Departments, and so we come to a situation where the total expenditure for that year may not exceed the budgeted figure. This could very well be the situation this year, Mr. President, because the total approved expenditure for the year is something in the order of $26,000,000.00.

And according to our financial statement for the period ending the 31st of July, 1980, that is for the seven months of the year, we have spent a total of $14.7 million, which means that for the other five months of the year we have something in the order of $11.3 million to spend in order to reach the total approved Budget for the year. It is not likely, Mr. President, that we will have the capacity to spend it all to that extent, and so these supplementaries are requested because certain Heads have been exhausted and there is the need to request additional expenditure under those areas since it is not possible from an administrative point of view to vire expenditure from one Head to the other, you vire expenditure within the Head but not from one Head to the other. From one Head to the other you need Legislative approval, such as what we are seeking now.

Mr. President, one may ask whether funds are available to meet these expenditures, although as I have just related or stated that we may not exceed the approved Budget, but I would like to say that the financial position of this Government could be no better than it is at the present time. We saw 1979 ending with a surplus revenue over expenditure of $2,739,000.00, and there was a brought forward figure from 1978 of $1,069,000.00 which gave a total surplus revenue over expenditure at the end of 1979 of $3,808,000.00. We have moved, with the consent and authority of the Standing Finance Committee, a sum of $3.5 million from those surplus funds to our general reserves. The general reserve prior to that transfer stood at local (that is to say, funds invested in the Cayman Islands) of $2.5 million. We had in London at the time something in the order of $600,000.00, and so all those sums together will now give us a total general reserve of $6.6 million.

Mr. President, the revenue for 1980 has been very good. We collected for the first seven months of the year a sum of $20.6 million out of the total budgeted ordinary revenue of $22.7 million, which means that by the end of August or early afterwards, we would have attained the total budgeted revenue for the year 1980. I should say, of course, that in the first part of the year we do collect the bulk of the revenues of Government from Companies' registration and bank licence fees. However, if by the eighth month of the year we have collected a total annual budgeted revenue, it means that for the other few months of the year it will be purely surplus revenue collection.

Mr. President, I do not think that at any period of the history of this country we have seen the financial position of Government any better, and for that matter, the economy of the country. However, having said that, I would like, as I have always done in the past, to warn of our spending, because we do have periods of boom which are followed by periods of recession. If we tend to allow our inescapables - (that is recurrent expenditure) - to grow without care we may come to a recession period when we can ill-afford to meet our recurrent expenditures, leave alone our capital. And as has always been my philosophy we should tend to grow slowly, allow our surplus revenue to be put into reserves. And I am not saying, Mr. President, that we should neglect our services because of the booming economy, it is necessary to expand and promote the services of Government to cushion development of our Island. What I am saying is that we must be very cautious especially with our recurrent expenditures that we do not force ourselves beyond where we can meet our obligations.

HON. V.G. JOHNSON (CONTINUING): Mr. President, the two Reports of Finance Committee, the details of which I have given are now presented for adoption by this Legislative Assembly, and I would recommend to Members that they accept these Reports. As I said, the proposed supplementary expenditures are not imposing any undue hardship in the financial position of Government, we have the funds to meet these expenditures. I therefore ask the support of this Legislative Assembly to the adoption of these two Reports.

MR. PRESIDENT: The question is that this House do approve the Reports of the Standing Finance Committee held on the 19th of June, 1980 and the 8th of September, 1980. The motion is open for debate. If there are no speakers to the motion I will put the question.

QUESTION PUT:

HON. V.G. JOHNSON: Mr. President, if you will allow me Sir, there was one point which I forgot to mention to this Assembly.

At the meeting of Finance Committee yesterday, although the matter was not on the agenda the Lady Member for George Town moved a motion that an award be made to pensioners as a result of the Hall's Report. We are aware of the fact that no recommendation was made in the Hall's Report for any pension increase. The pensioners were paid an increase in allowance effective the 1st January this year, the increase was equivalent to 15%. However, the Finance Committee felt that although there was no recommendation in the Hall's Report regarding pensioners it has always been the practice that in any award to the Civil Service that pensioners be included, and so the gesture was made that an increase of 5% be given to all pensioners. This was recommended by Finance Committee, and I would also like to include it as a part of the Report to be adopted by this Assembly. The 5% will be effective as from the 1st of January this year.

QUESTION PUT: AGREED. COMMITTEE'S REPORTS WERE ADOPTED.

MR. PRESIDENT: We will proceed next to questions. Sorry, there is a further motion on the Public Accounts Committee.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE - LAID ON THE TABLE

MISS ANNIE H. BODDEN: Mr. President, I ask that the Report of the Public Accounts Committee be laid on the Table.

MR. PRESIDENT: So ordered.

MISS ANNIE H. BODDEN: Mr. President, we have, according to the Standing Orders, provisions whereby we shall have a Public Accounts Committee and for years this has been going on. The composition of that Committee presently is composed of Annie Huldah Bodden, Mr. Craddock Ebanks, Capt. Keith P. Tibbetts, Mr. Garston Smith and Mr. John B. McLean. We have met for this present session on seven different occasions. Unfortunately our good friend from the Lesser Islands was not able to be present, which we regretted sincerely.

We have gone very thoroughly into the matter, and I must say Sir, to my way of thinking this is the most comprehensive Report that we have ever had during the time that I have been on this Committee. We had in attendance people from the different departments of Government who ably assisted us in our deliberations. We had Mr. Brian Lauer, the Principal Secretary of Agriculture, Lands and Natural Resources; we had Mr. Wentworth Bodden, Principal Secretary of Tourism, Aviation and Trade; we had Mr. Eric Bergstrom, Director of Tourism; Mr. T.E. McField, Supervisor of Technical Training; Dr. John Williams, Chief Medical Officer; Mr. Jack Newby, Hospital Administrator; Mrs. Marcia Bodden, Collector of Customs; Mr. Carlon Jackson, Principal Secretary, Personnel and Management Services Division; Mr. Ned Miller, Controller of Office Services; Mr. Woodward Terry, Registrar of Companies; Mr. Noel Johnson, Postmaster General;

MISS ANNIE H. BODDEN (CONTINUING): Mr. V.L. Jackson, Principal Secretary, portfolio of Communications, Works and Local Administration; Mr. Colford Scott, Acting Chief Engineer, Public Works and Honourable Charles Kirkconnell, Executive Council Member for the portfolio of Communications, Works and Local Administration. These ably assisted us, and we went very thoroughly into the matter, we made certain recommendations which were asked for, and we feel, Sir, that these will greatly help to make things run more smoothly.

I would ask Sir, that this Report be now adopted. Thank you.

MR. PRESIDENT: The question is that this House do adopt the Report of the Public Accounts Committee for the year 1978. The motion is open for debate.

SECONDED BY: MR. JOHN B. McLEAN.

MR. PRESIDENT: If there is no debate I will put the question.

QUESTION PUT: AGREED. COMMITTEE'S REPORT WAS ADOPTED.

MR. PRESIDENT: We will proceed next to questions.

QUESTIONS

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

NO.30. When the Salaries Commissioner visited Grand Cayman for the first time earlier this year, he held informal discussions with the Members of the Legislative Assembly at the Government Administration Building and they were informed that pensioners would receive an adjustment in their pensions, following the regrading of salaries for Civil Servants. Will the Member say when this adjustment in pensions will become effective?

MISS ANNIE H. BODDEN: Mr. President, having got a satisfactory answer to the question which I had posed, I would withdraw the question regarding salaries to pensioners.

MR. PRESIDENT: Question number 30 standing on the Order Paper is with leave withdrawn.

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

NO.31. *Will the Member state whether any applications have been made by any newspaper or magazine publication for loans from the Caribbean Development Bank through the Cayman Islands Government and if so, the amount sought, the name of the publishing company and the purpose?*

ANSWER:
Government has no knowledge of any application coming from any newspaper or magazine publication for loans from the Caribbean Development Bank.

MR. PRESIDENT: *If there are no supplementaries we can go on to the next question.*

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

NO.32. *Will the Member state whether any Government scholarship has been awarded to any Caymanian living in Canada or the United States of America to pursue any course and if the answer is in the affirmative, will the student, on successful completion of the course, be required to serve in the Cayman Islands?*

ANSWER:
Yes. A partial scholarship to the extent of a quarter of the financial cost was awarded to a person of Caymanian parentage living in the United States. The scholarship was declined because at the same time he received a more favourable offer from the United States Government. If the scholarship had been accepted, upon successful completion of the course he would have been required to serve in the Cayman Islands for the usual period of years.

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: *Mr. President, if I may ask a supplementary question, would the Member state what are the studies been carried out by this student?*

HON. TRUMAN M. BODDEN: *The student was studying medicine.*

MR. CRADDOCK EBANKS: *One further supplementary, Mr. President. Could the Member state as to what period of time, or how much longer it may be before it will be completed?*

HON. TRUMAN M. BODDEN: *Mr. President, on a clarification of my answer, the scholarship has not been awarded, but it would have been seven years, and it would have been one quarter of that. But I would just like to make it clear that no scholarship has been taken up by that person.*

MR. PRESIDENT: *If there are no further supplementaries we can go on to question number 33.*

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE G. HAIG BODDEN, MEMBER RESPONSIBLE FOR AGRICULTURE, LANDS AND NATURAL RESOURCES.

NO.33. *Will the Member make a statement on the present condition of the Government Demonstration Farm?*

ANSWER:

Approximately 10 acres of land have been cleared. Three acres have been used during the year to grow various vegetable crops.

There are 20 citrus trees and several banana trees on the Farm.

An office, store and restrooms have been built and a propagation shed is under construction. The shed is to be used as a nursery for plants and trees.

Government is presently considering operating the Farm on commercial lines. This would necessitate improved management and farming techniques.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: *A supplementary, Mr. President. Can the Member say how many people are presently employed by the Farm?*

HON. G. HAIG BODDEN: *An average of five.*

MR. CRADDOCK EBANKS: *Mr. President, a further supplementary. Would the Member state if the public - (farmers particularly) - have been given an invitation or made aware of this to visit the Farm to see some of the demonstration work carried out on it?*

HON. G. HAIG BODDEN: *No special invitation has been given. The Farm is open and if a person wanted to visit he would be free to visit.*

MR. CRADDOCK EBANKS: *Mr. President, how many Members or people of the public are aware of this, and how would they know when to visit the Farm and when not to?*

HON. G. HAIG BODDEN: *Mr. President, I am afraid I do not know how many members of the public are aware of the existence of the Farm, but I would think from the publicity that it has received in this House that every person on the Island knows that Government owns this Farm.*

MR. CRADDOCK EBANKS: *One further supplementary, Mr. President. Would it be left then for the labourer working there or somebody from the technical side of the administrative side of the Agriculture Department, to point out the demonstration of what is good in the farm work, or is it just left to any and everybody?*

HON. G. HAIG BODDEN: *If an interested person wanted a special demonstration, and this demonstration required technical services, this would be carried out by one of the technical officers, that is, the Director or one of his assistants.*

MR. JOHN B. McLEAN: *Mr. President, a further supplementary. Will the Member care to say how much it would cost Government to operate this Farm on a commercial basis?*

HON. G. HAIG BODDEN: *A specific costing has not been made, but in the plan that Government is considering, which if it receives approval of the Finance Committee, I would think it would take anything between $100,000 and up to do what is invisaged in the plan. This is to put approximately 20 acres into full production with fruit trees, vegetables, a nursery to sell plants and to run the hydroponic unit, to buy the equipment which will be needed and to employ a person who would be in full charge of the Farm. The plan is to set it up either as a limited liability company or as a statutory board to be run as a body like, say the Port Authority, or the Corporation that runs the airport. If this is done it would be separated from the Department and would be run, we believe, in a profitable manner and not as it has been done in the past.*

HON. G. HAIG BODDEN (CONTINUING): I may also add, for the information of Members, that we have received a preliminary plan, and this is to be followed by a more detailed plan. This plan has been prepared by the good graces of the Canadian High Commission and is really a gift from the Canadian Government. So the new Government next year, if it adopts this plan which is really in the drawing up stages now, would be asking Government to spend a substantial amount of money to promote agriculture. This has not been done in the past for many reasons. You will know that although Government had acquired this 20 plus acre tract of land some years ago, no money had been spent on it until the present administration when we started to lay the groundwork by putting in electricity, clearing the land and so on. So the farm is really in, I would say, the initial stages of being developed.

If the future Government which will be elected in November, decides to go ahead with this plan we should see substantial strides in agriculture over the next four years by Government demonstrating what can be grown, how it can be grown most efficiently and productively.

MR. JOHN B. McLEAN: Mr. President, a further supplementary. Will the Member state if the office which has been built on the site has been occupied by the Member in charge or the officer in charge?

HON. G. HAIG BODDEN: The office is really not an office as you would find in a bank, it is mostly a small room with very, very poor facilities It is used from time to time again by the man, Mr. Quinland, who is really the operational manager of the Farm. I am not aware that the Director actually carries out any work at this office as he has his office in Town, but there needs to be a place where, if we are going to operate as a business, that records can be kept. So it has been utilized to some extent, but I do not think you will find anybody there full-time.

MR. JOHN B. McLEAN: A further supplementary, Mr. President. I wonder if the Member cares to say whether this Farm falls under the Director of Agriculture or his Assistant?

HON. G. HAIG BODDEN: Everything in the Department of Agriculture is the responsibility of the Director. The Director has full responsibility for running his entire Department, he may delegate the running of the farm to an officer, but the Director has overall responsibility.

MR. PRESIDENT: We will go on to question number 34.

MR. JOHN B. McLEAN OF EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER, RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS.

NO.34. Will the Member make a statement concerning the present position regarding the proposed television service for the Cayman Islands?

ANSWER:

Negotiations are now in progress with a reputable company and it is hoped that they will make a formal presentation to Government shortly on their scheme.

MR. PRESIDENT: If there are no supplementaries .....

SUPPLEMENTARIES:

MR. CRADDOCK EBANKS: Mr. President, I was waiting until the papers were circulated. If I may ask the Member a supplementary, Mr. President. Could the Member say as to how much longer in his opinion, this negotiation may be going on before a decision is reached?

HON. D.H. FOSTER: Mr. President, I cannot say exactly, Sir, because we are waiting for their presentation, sort of daily. I should hope in the not too distant future we would soon get a decision.

HON. D.H. FOSTER (CONTINUING): I have been pressing them for it, and I just hope it is not too long.

MR. CRADDOCK EBANKS: Mr. President, this is sort of a statement. I know this television business has been going on for a number of years and this is getting to be something like Cable and Wireless with the Eastern Districts. For the last ten years they have been giving promises, and still nothing has seemingly been done, that is why I am wondering how much longer this negotiation will continue between Government and the applicant.

MR. PRESIDENT: Proceed to question 35.

MR. J. GARSTON SMITH OF WEST BAY TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

No.35. Will the Member state his findings as to the shortage of drugs at the hospital, referring to previous questions asked and answers given concerning this matter?

ANSWER:

None of the large amounts of dangerous drugs and other drugs found missing from the hospital pharmacy and reported by the External Auditor in his report dated 31st December, 1975, and by the Government Internal Auditor in his report dated 22nd March, 1977, have been recovered. A recent audit dated 23rd January, 1980, has not indicated any possibility of recovery of any of these drugs. New controls established since this unfortunate matter came to light, are satisfactory.

SUPPLEMENTARY:

MR. CRADDOCK EBANKS: Mr. President, if I may ask a supplementary. Could the Member state if Government then is thinking in terms of closing its doors to further investigation in the recovery of these missing drugs?

HON. TRUMAN M. BODDEN: Mr. President, while it is never good to close doors in relation to matters such as this, at this stage I do not know what further, I, as a Member can really do to endeavour to recover these drugs. I have had a further audit put into it, and that has really revealed nothing further. I am not saying that it is being closed, but at this stage I do not know what further could be done from my point of view unless anything is done internally from the non policy side of Government, namely from the Civil Service side.

MR. PRESIDENT: We will take question 36.

MR. J. GARSTON SMITH OF WEST BAY TO ASK THE HONOURABLE TRUMAN M. BODDEN, MEMBER RESPONSIBLE FOR HEALTH, EDUCATION AND SOCIAL SERVICES

NO.36. Will the Member state what is the present position regarding the Draft Bill to amend the Misuse of Drugs Law which was presented to the House in March, 1980?

ANSWER:

The Draft Bill to amend the Misuse of Drugs Law was referred to a Select Committee of the Whole House. This Committee has found itself unable to conclude its investigation before the end of the Session and I shall so report to the House.

MR. PRESIDENT: If there are no supplementaries we will go on to question 37.

MR. J.GARSTON SMITH OF WEST BAY TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER, RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO.37. Some years ago there was a trailer home imported into the Cayman Islands by a resident of West Bay. The reason given at that time for the importation of this trailer home was that it was to be used in the district of North Side for agricultural purposes. Will the Member advise whether this trailer home is now being used for such purposes and if not for what purpose and whether the duties have been paid to Government?

ANSWER:

The trailer being a restricted item under Section 10 (3) (c) of the Customs Law (Revised), authority for the importation was granted by the Governor in Council.

The full amount of duty payable on the assessed value of the trailer was collected by the Customs Department.

The trailer was imported to be used as living accommodation in an agricultural project in North Side and West Bay. As the owner is presently off the Island information is not available as to the present status of the project.

SUPPLEMENTARIES:

MR. J. GARSTON SMITH: Mr. President, with your permission Sir, I would like to ask a supplementary question. Could the Member tell this Honourable House who are the direct owners of this trailer house?

HON. V.G. JOHNSON: The owner is Mr. Graham Ebanks, of West Bay.

MR. J. GARSTON SMITH: Another supplementary, Mr. President. Could the Member say whether or not this trailer house has ever been utilised for agriculture?

HON. V.G. JOHNSON: Mr. President, I presume it has been used for agricultural purposes.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Will the Member be able to state what was the amount of duty collected?

HON. V.G. JOHNSON: The amount of duty, Mr. President, was $1,210.00.

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

GOVERNMENT MOTION NO. 7 - EXPENDITURE, 1981

HON. V.G. JOHNSON: Mr. President, I beg to move Government Motion No. 7, which reads:-

"WHEREAS the Estimates for the Financial Year 1981 will not be approved before the 31st December, 1980 due to the General Election on the 12th November, 1980.

AND WHEREAS it will be necessary in the interest of the Public Service to incur expenditure before the approval of the said Estimates for 1981.

BE IT RESOLVED that until the Estimates for 1981 are approved, the Financial Secretary is hereby empowered and authorised to incur expenditure out of the General Revenue of the Islands as a charge to proper Heads and Sub-Heads of accounts, always provided that there will be:-

HON. V.G. JOHNSON (CONTINUING):

(a) No increase in any officer's salary (other than approved increments) or allowances

(b) No increase in the establishments over that provided for in the 1980 Estimates or approved during 1980

(c) No payments on account of recurrent expenditure in excess of the provision for the financial year 1980

(d) No payments on account of new services or capital work except for the completion of projects approved and implemented in 1980."

Mr. President, as the motion states that the request for this authority is because the Estimates for 1981 will not be approved before the beginning of the financial year. It is usual during an Election Year that the Budget is presented to the Legislative Assembly in the new financial year, because it is not possible between the Election in November and the end of the year to deal with these matters. And so once in every four years the Budget is presented in the new year.

Mr. President, as the motion states, the authority being requested here is limited in certain respects, and those restrictions were mentioned. The control over expenditure until the Appropriation Law is assented to is the same as the control which would have been exercised if the Appropriation Law had been in effect. It is just a matter, Mr. President, of seeking proper authority for the financial operation of Government to continue in the new year without hindrance. And so this Legislative Assembly is now requested to give approval to this Motion No. 7, to empower the Financial Secretary to carry on with the financial operation of Government in the normal manner on the 1st of January, except for the limitations stated in the motion.

Mr. President, I recommend the motion.

MR. PRESIDENT: The question is that this House do resolve "that until the Estimates for 1981 are approved, the Financial Secretary is hereby empowered and authorised to incur expenditure out of the General Revenue of the Islands as a charge to proper Heads and Sub-Heads of accounts, always provided that there will be:-

(a) No increase in any officer's salary (other than approved increments) or allowances

(b) No increase in the establishments over that provided for in the 1980 Estimates or approved during 1980

(c) No payments on account of recurrent expenditure in excess of the provision for the financial year 1980

(d) No payments on account of new services or capital work except for the completion of projects approved and implemented in 1980."

The motion is open for debate. If there are no speakers I will put the question.

QUESTION PUT: AGREED. GOVERNMENT MOTION NO. 7 WAS PASSED.

GOVERNMENT MOTION NO. 8 - SUPPLEMENTARY EXPENDITURE

HON. V.G. JOHNSON: Mr. President, I formally move Government Motion No. 8, which reads:-

"WHEREAS at a Meeting of the Standing Finance Committee held on the 8th September, 1980 supplementary expenditures amounting to CI$2,025,502 were examined and recommended for approval by this Honourable Legislative Assembly.

HON. V.G. JOHNSON (CONTINUING):

AND WHEREAS the Supplementary expenditures include requests from various departments of Government amounting to CI$1,775,502 together with a proposal to purchase 125,000 shares of CI$2 each from Cayman Airways Ltd. or CI$250,000 as part of the equity reconstruction of the Company.

BE IT RESOLVED that this Legislative Assembly approves that the Financial Secretary be authorised to spend a sum not exceeding CI$2,025,502 on supplementary expenditures under the various heads and subheads of expenditure as stated in the Report of Finance Committee."

Mr. President, this matter was dealt with when the Report of the Standing Finance Committee was presented or laid on the Table of this Honourable House earlier in this meeting, and when the Report was moved for adoption. Since I have already given the details of these recommendations, I will just recommend the motion at this stage for the favourable consideration of Members of this House.

MR. PRESIDENT: The question is that this House resolve "that this Legislative Assembly approves that the Financial Secretary be authorised to spend a sum not exceeding CI$2,025,502 on supplementary expenditures under the various heads and subheads of expenditure as stated in the Report of Finance Committee".

The motion is open for debate.

QUESTION PROPOSED: DEBATE ENSUED.

HON. G. HAIG BODDEN: Mr. President, I would like to say that I support the motion before the House. It is asking for additional expenditure, but as explained by the Third Official Member when the papers were laid on the Table earlier this morning this additional expenditure should not increase the total expenditure which was budgeted for in November last year. As there will be considerable savings in other areas, this has been borne out clearly by the figures given by the Third Official Member when he referred to Government's total expenditure for the year to date in relation to its budgeted expenditure in November of last year.

In November last year this House budgeted to spend CI$24,000,000.00 out of revenue with an additional CI$2,000,000.00 from development loan and aid. Out of that CI$24,000,000.00 - CI$14,000,000.00 had been spent up to the end of July, so it is clear if things continue for the next five months, that is, from the 1st August until the end of the year, we will not spend the CI$24,000,000, so there will be a savings. Expenditures are troublesome if you do not have the money to spend, however, as explained by the Third Official Member this morning this Island has never had it so good, revenue wise, for the last three years, 1978, 1979 and 1980.

The budget for collection of revenue in November last year was for CI$22,000,000 in local revenue plus 2 point something million from development. Out of the estimated CI$22,000,000 to be collected by the 31st of December, this Government had collected nearly CI$21,000,000 by the end of July. So when the figures are drawn for the end of August we may well find that by the end of August Government will have collected in eight months the revenue which it estimated to collect for the entire year, leaving four months for collections which will be in addition to the amount budgeted for. In other words, Government's revenue collection for the year 1980 should exceed the budgeted figure by 50%, that is, if for the last four months of the year we collect half as much money as we collected in the first eight months.

It is true, the Third Official Member pointed out that very early in the year we collect annual fees on banks, companies, motorcars gun licenses and other revenues which we do not collect during the latter part of the year. However, this has always been compensated for by the fact that importations during the last quarter of the year, October,

HON. G. HAIG BODDEN (CONTINUING): November and December, because of the Christmas season generally exceed importations through other months of the year, and so we may find that it is possible when this is taken into consideration together with the construction boom which appears to be still accelerating, that the last four months of the year may well provide more than half of the revenue collected during the first eight months. But collections this year are only one part of the story, cash on hand is important to any business and more so to a Government. When you can fund capital projects out of revenue, you can pay recurrent costs without going into deficit, this is vital. We are in that happy position as outlined earlier.

We were told this morning that with a surplus in excess of $1,000,000 brought forward from 1978 plus a nearly $3,000,000 surplus brought forward from 1979, at the beginning of this year we had in surplus funds $3.8 million. Out of this money we put the larger portion of it into reserves, and our general reserve now stands at $6.6 million. In addition to that there are substantial funds and our cash position is almost unbelievable, and I would like to add, although this is not a part of the paper, that this happy position did not come by chance. And if this House has not done anything else of merit, we can say that we have taken the Government from a position of deficit spending to one of surplus revenues.

The motion before the House seeks a substantial sum of money, some of it is for what the Third Member called "inescapables", you put up a building, you have to maintain it, you have an office to run, you have to pay the escalating cost of doing business, but if one examines it carefully you will see that there are some very large items which are worthy of merit . One of these items is the sum of $243,000 required as part of the cost of adding an additional one thousand feet to the runway in Cayman Brac. Members know that work has been going on with a loan which was received earlier on to provide Cayman Brac with a jet airport; that work is about coming to an end, and Government has decided that the strip there should be lengthened by an additional one thousand feet at this time, because Public Works is mobilized to carry out the construction, materials are on hand, the momentum is there and the need for an airport that will meet international standards is already present in the Brac.

This $243,000 will not complete the one thousand feet to which the strip is to be lengthened, it is also to be widened to one hundred and fifty feet from its present one hundred feet, and in next year's Estimates, Government will be seeking additional funds to complete the job. Also in this motion there is a large item, $100,000 set aside for the relief of the Cayman Brac people who suffered the devastation of Hurricane Allen. The Executive Council agreed that Government should step in immediately and provide assistance to those people in the Brac who were in need and who had suffered loss. The Finance Committee yesterday approved the sum of $100,000. This money may not all be spent, there is a substantial fund in one of the Banks which I understand will go towards this relief work. But the Government should pat itself on the back that in a time of a national calamity we did not have to go begging relief as Dominica and some other countries have done, we had money in our own resources, and we could say, go ahead, rebuild the houses, repair the houses, do the work that is necessary and send us the bill. I understand that a very good job has been done by the committee in Cayman Brac, and the work has progressed well.

Another large item in this is the additional shares which Government is purchasing in Cayman Airways. The rest of the money is made up of smaller items which are spread over nearly every Department in Government, including the administration of the Lesser Islands. But by and large these additional expenditures which the House has been asked to approve today should not, as mentioned earlier, increase the total expenditure which was budgeted for, and this is a remarkable fee. We have already seen, as outlined earlier, that the revenue will be up far above even the optimistic expectations of the present Members of this House.

HON. JAMES M. BODDEN: Mr. President, it sure is a great pleasure to say a few words on this debate. I can perfectly well remember all of the barbs that were thrown in 1976 and in the beginning of 1977, that it was so many times stated that red ink would cover all of the Government Departments. Well, that may have happened before when the money was spent at the whims and fancies of a selected few and when deficit spending was the rule of the day, but thank God that has not been the rule in the last four years.

Much has been said, much will be said, and as this is the last meeting of this Legislature, and I am sure that most of the opposition party is here today, they may as well know what they will be up against in trying to refute. The deficit spending occurred in 1976, that is what we inherited at that point. It would be quite foolish of me to stand here today and say that in some minor ways this administration cannot be faulted for some of the actions in the last four years, because we are all human and it is only so much that you can accomplish in a twenty-four hour day. The country had many problems, it still has some, it has some that God's willing we intend to come to grips with.

But in speaking on the revenue, and the expenditure and the additional expenditure which was voted here this morning, it proves that the country has had sound and steady leadership, it has not floundered the way some of these people would try to mislead the population of this country. The population of this country has a democratic choice to make and they will make it, they will either decide whether they want the continuation of a Government that has been strong, has provided jobs, has kept the country from going into debt, and has provided a surplus or whether they will be led by people who have nothing better to do than to sit down and try to slander people in an underground method.

Our record for the past four years can stand up to any scrutiny, and I heard it mooted that some people were pushing a certain Member for a Royal Commission. I, for one would be glad to see that happen, because then they could go back to White Hall and show them how a good country is run, they would be able to truthfully tell the people of this country, in areas may be, where we cannot divulge it, how the country has been run and how it has succeeded. This country has succeeded for the past four years in particular by the faith that has been put into the Legislative Assembly Members, by the people of this country and the faith that has been displayed by the foreign investors. Because whatever they say about the foreign investors, it is the foreign investors' money that keeps this country going; this country has no natural resources of its own. Yet some of these people would try to make hay out of this by saying that we have made use of the money of the foreign investors in developing this country, and then while we are doing it, attack us because there have been too many work permits, and then at the last minute get up and champion a cause to say, "you have done the poor Jamaicans an injustice because you have not allowed seven hundred of them into this country this year!"

We have been as fair, I think, to every nationality as we could be, but history has proven that it is not good in any country to have one ethic majority which can control. And if my mind serves me correct, in the year of 1976, out of approximately seven hundred and something people who came into this country nearly six hundred were from Jamaica. I have a lot of good Jamaican friends still in Jamaica and some who have moved out, but you cannot keep a balance like that in any country and hope that your country is going to survive on the right course. In my opinion no man or woman, and I said it in this Assembly before, who does not have his roots from childhood into this country, who does not have the bones of his ancestors moulding in their graves here cannot have the feeling for this country that is necessary to let it survive.

Dealing with the income, Mr. President, at the present time, as the Honourable Financial Secretary has advised this House, we budgeted this year for $22,724,000 in expected revenue. By the end of this month we should just about have collected that amount; by the same token against that we have spent $15,300,000, or between the two with our other

HON. JAMES M. BODDEN (CONTINUING): cash deposits we have in the various banks at the present time approximately $8,000,000 in cash. In addition to that as was stated, there is a reserve set aside of $3.5 million besides that. That means that at this immediate point and time the country has approximately $11.5 million to the good, and it has met all of its commitments. In addition to that, Mr. President, the Currency Board has over $7,000,000 of assets against which it has issued approximately $3.75 million in currency. That is a terrific surplus when you add the two together; and the surplus in the Currency Board is a surplus of the Government, and the two together would come to roughly $15,000,000 in surplus at this time.

Now we looked back a few years ago, that reserve was not maintained in that respect, because it had to be pulled every year nearly from the Currency Board to try to balance the annual revenue of the country. We have not been doing that with it, it has remained there. In addition to this, Mr. President, we have another four months of expected revenue, and if it should even fall so short of expectations and only come up to say, $10,000,000, the most that can be spent out of that in the next four months would be $6 million which would give us an additional surplus of $4 million. So, not counting the reserves in the Currency Board, this administration can prove to the country that in four years time it has been turned around from a dead economy, from an economy that had no vagrancy to it, from a people who had lost faith in themselves and in their country, to a position today where this country is respected throughout the world and every place is known. If any of you or if any of our opponents can get on the platforms of this country and show the people any other country in the world today that is operating in this manner, I will bow to them, because they cannot show me one.

It is not because we are geniuses, but I feel that a lot of this has been accomplished because of the love we have for this country, the feeling that it is ours and the independant spirit that was injected and passed on to us from our forefathers. We could have gone out on the wild spending sprees that we have been accused of, but the books are not doctored and they have always believed Mr. Johnson, so why cannot they believe him now when he can tell them these glowing figures.

The debt of the country in 1976 was somewhere in the neighbourhood of about $7.8 million, if my memory serves me correct at the present time it is about $8.4 million, so that will show how much we have borrowed to actually keep this country afloat. There have been noises about that little bird that flies, and I may as well call an audit myself - Cayman Airways. Yes, the Government has a guarantee of $10,000,000, but they also have four planes as assets for that plus approximately $2.5 million of spare parts, plus routes, plus this, plus that, that is not something that is a lost investment. Much has been made about the capital injection by this Government into Cayman Airways, but we may as well bring it out, and bring it out straight.

In 1977 when Cayman Airways became Cayman Airways, the capital structure of the company had shrunk to $35,000 in value, and on that capital shrinkage to $35,000 and with the backing of the good name of the Cayman Islands Government we were able to finance $10,000,000 on a guarantee to put the airline together, and if that is not leverage ask any business man. The note for Cayman Airways in November, principle and interest combined, I have been advised by the accountants - will be approximately $974,000 of which at the most $250,000 will be needed from the Government injection to meet that note. At the present time Cayman Airways has on fixed deposits $500,000, it is current in its bills, it has no overdraft at the bank and it has a surplus in operating cash of about $200,000 as of the last statement I received, which was about two weeks ago. So if that is such a bad run business, why are we doing so good?

Before me I have some of the estimates going back to 1976, and we can easily look into them and see what was happening. You saw development going on. In 1976, $2.5 million came from loan funds to do that development with only about $1 million coming out of local

HON. JAMES M. BODDEN (CONTINUING): revenue. Now bear in mind what I said awhile ago, that God willing, with everything being equal, by the end of this year it is quite possible on the figures presented by the Financial Secretary that this country will have a surplus, not including the surplus in the Currency Board but in the general revenue there is approximately $15,000,000.

In 1977, $1.4 million came out of the local revenue to go towards capital expenditure. The total amount on local loan funds and development aid loan funds together were roughly $1.4 million. In 1978, from the local revenue $1.5 million was put into capital expenditure with about $1.2 million from development aid loans, local loan funds and the European development funds. In 1979 we were able to finance $2.5 million of our capital expenditure out of local revenue, and from local loan funds $1,000,000, European development funds, $300,000, development aid loan funds, $500,000.

The year 1980, local revenue - capital expenditure, $4,315,000. Altogether in the last four years better than $8,000,000 has been spent from the general revenue towards capital expenditure, and we still have a surplus of CI$15 million, plus the raises that have been given to the Civil Service, plus the additional departments of Government that have had to be added. Today, I think we run a British sophisticated Government, and a Government that to my mind that most people would be proud to have. I may be wrong with that, some of the voters may think otherwise, but we can easily have a quick turn around in the Cayman Islands, and we have the divisive forces that work here like we have them in other countries, and we can either have a stable, strong Government under the auspices of the Crown Colony system as we have had it or we can easily have a system like Grenada, Jamaica, Cuba and many other parts of the Commonwealth.

Personally, Mr. President, I leave it to the voters whether they wish to have something stable and good leadership or whether they are willing to be led by the idiots of the past.

HON. C.L. KIRKCONNELL: Mr. President, I support the motion, Motion number 8, and I would like to say here that never in the history of the Cayman Islands has this financial position been more favourable than it is in 1980. This is an indisputable fact, we have put money into reserve for a rainy day.

The reason, Mr. President, in my opinion, for this favourable financial position is the stability of this country. The mother country has instilled this stability within our territory, they have encouraged, they have supported us throughout the years, and I hope that this link will continue for many, many years to come.

In looking at the supplementary expenditures, there are certain items that have not been mentioned, and I will do so now. One very heavy expenditure was for heavy equipment. The Chief Engineer of Public Works, found that it was absolutely unable to cope with the work that it is expected to complete this year with the old obsolete equipment that it had. In the supplementary expenditure there is a sum of $400,000 to buy new modern equipment. Another item was $30,000 that was voted for the medical facilities at Cayman Brac. As this Honourable House is aware we were able to get $200,000 from Cayman Energy Limited to upgrade the Faith Hospital at Cayman Brac. However, those funds are exhausted and we did need an additional $30,000 to complete the Hospital, and this is included in the supplementary expenditure, and for which I wish to thank the Finance Committee.

Also, in the supplementary expenditure is a sum of $243,000 to extend the airport in Cayman Brac. The Chief Engineer will not do the 6,000 feet, but this is the sum that we have the capability of spending for the year 1980. We intend to extend the airport to 6000 feet and to widen it to 150 feet where it can take jets like we have here in Grand Cayman. This airport will not only be a benefit to the people of Cayman Brac, but it will be a benefit to the people here in Grand Cayman. Instead of using the airport in Montego Bay as our back-up airport we will have Cayman Brac as the second back-up airport

HON. C.L. KIRKCONNELL (CONTINUING): for our own aircraft.

Another item that my people have asked me to convey, is their deep gratitude to the Cayman Islands Government, for the sum of $100,000 which was voted for hurricane relief at Cayman Brac.

Mr. President, I too share with the Financial Secretary his thought that we should watch our expenditure and that we should put money up for a rainy day. This, Mr. President, has been done. In 1979 there was $3,096,000 placed in reserve, we have put a further $3,500,000 in reserve, this brings it to $6,596,000 in reserve, and then the Currency Board, there is a surplus of $3,000,000 there; that brings a total of $9,596,000. And if we add the difference between the revenue and the expenditure through July, there is another $5.9 million, bringing the total to $15.5 million surplus up to the present time. I feel that this is a great achievement for a small country like the Cayman Islands with no natural resources and with a small population. This is an achievement which many major countries have failed to achieve, and I think that we are safe in saying that today we are the envy of the Caribbean Islands.

I am also glad to see that there is an apparent improvement in the financial position of Cayman Airways, Limited, and that they will only need the sum of $250,000 in November to pay off the loan and the interest.

Mr. President, with those few words, I give the motion my full support.

MISS ANNIE H. BODDEN: Mr. President, I too support the motion, and as usual I have to defend myself, and I am going to read this resolution which I attempted to get in, with no disrespect to Cayman Airways, (which I am very sure they will think) - it was to put the Court House in order, that was my mission. And I am going to read it with your permission, Sir:-

> "WHEREAS in recent years it appears that the system of justice meted out in the Law Courts of these Islands particularly in dealing with major criminal offences and felonies, and with special reference to offences against the Drugs Law, that the alleged criminals in these outstanding cases are in most instances never convicted, and the issue dismissed for lack of evidence being presented, and/or not properly brought before the Court by the person or persons prosecuting on behalf of the Crown:
>
> AND WHEREAS without prejudice to the powers that be, it is strongly felt that an investigation into such matters is of vital importance to all concerned, and would clear any doubt as to who or what is responsible for the dismissal of such cases:
>
> BE IT THEREFORE RESOLVED THAT this Honourable House recommends to His Excellency the Governor of these Islands that immediate steps be taken to request that a Commission of Enquiry be sent from Her Majesty's Government to examine in detail and to find the reason or cause for the dismissal of criminal cases as has happened so frequently in the past year or more:
>
> AND BE IT FURTHER RESOLVED THAT this Commission of Enquiry be requested to check on the operation of the Cayman Airways, Limited and Cayman Air Holdings, Limited to ascertain exactly what is the financial position of these two Companies regarding their operations, as from the take over from Lacsa Airlines'.

Now, Mr. President, I want it emphatically understood here that my mission was to try to get the Court House straightened out, because a man as blind as Bartimaeus who was blind from his birth would know that there is something radically wrong why cases that have been dismissed have been dismissed. I am not saying it because I am here privileged, I would put that in the Compass if they would print it, but I could not afford to pay for any liable case.

Mr. President, if I went to the Court and I had that much ganja I might go to jail for 18 months, whereas on two occasions two ships with $4 million worth of ganja, the crew and those concerned

MISS ANNIE H. BODDEN (CONTINUING): were freed, for what reason or what cause I am not saying, I am only saying it is a disgrace that because these rich people can find $1,000 a day to pay lawyers, the least little technicality, they are set free; whereas those from out there striving to get something to eat that are selling $2. worth of ganja have to go to prison.

Now that was my reason, and I withdrew it. You know why I withdrew it, you are well aware of the facts why I withdrew it, I had nothing against the Cayman Airways. I disagreed with the proposal, and I still say, Sir, and I repeat it, that if it is necessary that we have to subsidise this airline to the tune of a million dollars a year I am willing to do it provided I know how the money is spent.

Now, Sir, I shall go on to recommend these Hon. Members for the four year operation of the wonderful job which they have done financially. But let me tell you, please, Mr. President, that from the year 1832 we had a stable Government, they did not hatch in 1976, it was from 1832, and it was built-up step by step, step by step until we achieved what we have in 1980. Now I have heard it said so often, up to Saturday, a woman said to me, "What did the past Government do? They did nothing, this Government did everything". Now let me tell you, Mr. President, we have left landmarks which only hurricane Allen could destroy. We have left the Glass House, this building, the Court House across the way, the Police Station, roads; we have left everything - schools, and I am saying that this present crowd here, including myself, we have done something, but have not done everything. Who was it that passed the Law whereby we have our own currency, who was that crowd? The only objection I had to that was so many people wanted to get their picture on the currency, and I had to stand firm, and say, "not even Annie Bodden's was going on it."

Now, Mr. President, all of us have accomplished something. This present crowd here, including myself, we have done quite good financially, could not be better, but money is not everything, but I am proud that we are independent. My mother raised us with a theory that we are independent. I said, "no mama, we are not independent we are each dependent on something", and each one in this House has their part to play. Now, Mr. President, if we are going to talk about the people who have done something for this Island, there are three people alive today, Ernest Panton, who sacrificed everything to remain here on this little old rock; Ira Thompson, number 2 and Annie Huldah Bodden, number 3.

Let me tell you, Mr. President, when I was sixteen years old there were five typewriters in this Island, five typewriters and two women who could type, Frances Bodden down in the grave and myself. So we have stood by, and while other people were going to the land of glory, the land flowing with milk and honey, we stayed here and endured it - poverty, and I take pride today that I did not run away when things were hard, I stayed here and worked for ten shillings a week, audited for two pounds ten and did all of the work in the Court House for nothing. So I take pride in it, and I am not going to have anybody saying that only this crowd did anything; they have accomplished a lot. And, Mr. President, if the voters in George Town want to return me, I shall be very happy, if not, not one grey hair. I have money that I can take care of my style of living in my simple way, and I wish for this country continued success, but not let each one of us think that by sole not one soul can do anything. We need to group together in unity and we need to work together to continue our stability.

Now, Mr. President, I feel that this -(I do not know what kind of way to call it) - that was exhibited over the years when it comes to this election, each man slandering the other one calling them all kinds of unkind names and ridiculing them. We have to come back here and sit together and try to work for a better Cayman Islands, and if the Lord spares my life and my voice keeps up and my legs do not get too tired I will be campaigning, but I am not going to say one word against one soul disrespectful. And I said it Friday, and I am repeating it here, if either one who goes on the platform and calls Annie Huldah Bodden a bastard, I will ram my fist in their face, and if I cannot do it I will

MISS ANNIE H. BODDEN (CONTINUING): pay to have it done. So let us work together in love and unity and try to serve our Islands to the best of our ability. Thank you, Sir.

MR. CRADDOCK EBANKS: Mr. President, I think most of the field has been covered, and I am not prepared to go over and over the same territory, but I will make this repeat, that one of the Elected Members of Executive Council said that it seems that the public very well believes the Third Official Member in making his statement . If that is the case then, Sir, I do not see why Members should stand around their phones and go over and over and add to what has been said.

It has been pointed out the achievements that we have made in the past four years, we are not saying that everything was good. The present Government is still being blamed for things that are beyond their control or any Elected Members' control, yet they are being blamed for it not being done. But if the populace of this country cannot see the difference now since 6 years ago - in 1974 and 1975 when there was little or no employment, jobs had fallen away, investors had moved out, banks started closing, the public was crying to Government, what are we going to do, where are we going to get jobs? And today it is reversed, no one seems to be able to get the right amount of labour, the right kind, the right quality, to carry on their jobs like they would want.

There are many reasons, Mr. President, why these things do not happen automatically, and it has not been only by the work of the twelve Elected Members but by the good co-operation and assistance and help by the public. If there is anyone blind to the facts of the standing of this country financially, economically, stability, and many other aspects, then I think they should be making appointments to the hospital to see the eyespecialist when he comes back here, because there is something wrong with their eyesight if they cannot see what is happening.

I support this motion, Mr. President, and as I said, I am not going to go into all the details that have already been gone into, but it proved itself that we are attempting, not only to build but to continue to carry on a country in running its affairs and providing for the people the way we see best. And I do not see, Mr. President, that we have anything to be reluctant to face the public that we did not do this or we did not do that or we did not attempt to do this or to do that.

We have reserves when the rainy days start, yes, we have something to look to. I trust that we will neverget to the place or in the position that we just have to fall head over heels in the reserves. I know development will not continue in its mass boom as it is doing now, it will ease off and go off on its level, but nevertheless we are preparing for what may happen or if anything should happen. So I feel that the country can feel at rest, at ease, at peace, that it is now second to none in the Western Hemisphere, not only in the Caribbean being in every manner respected by every country. Then why should we be alarmed? And I trust, Sir, that it will continue to be this way over many, many years to come. So I give my full support to the motion presented to the House and look forward that this will all work well over the next months and whoever it may be placed in the seats to take up where it is being left off.

I thank you, Sir.

CAPT. K.P. TIBBETTS: Mr. President, I too stand here to support this motion before us. First of all I would like to apologise for not being able to attend the Public Accounts Committee meetings, as on more than one occasion this meeting was to be held, it was just impossible for me to come over here. Then again, the last one that I had an invitation to happened to have been on the 5th of August, the day before our disaster of hurricane Allen, and, Mr. President, I was not prepared to leave home at that time. Nevertheless, I support what has been done, I studied this motion before us and what it entails, although I only received my papers yesterday afternoon for this meeting, therefore, I have not been able to go to the public and tell them anything of what to expect in this meeting.

Mr. President, I stand here today, and I cannot accept that this present Government, although I am a part of it, is responsible

CAPT. K.P. TIBBETTS (CONTINUING): for our real benefits at this time. Inasmuch, Sir, I am safe in saying that I am the longest serving Member of the Legislative Assembly representing Caymn Brac and Little Cayman alive. When November comes I would have served my country for 23 years, I was back here from 1946, I know and I feel confident that it takes people with foresight, with business acumen and everything else to carry on Government. But I do feel, Sir, with all respect that we must think of those who laid the foundation for us to build on.

I remember back in the days when we sat for days and days discussing our Banks and Trust Law which has been one of the foundation stones of our economy today. Various Laws in the same respect, our company registration law - so I am not agreeing that all the praise and all honour is due to the present Goverrment, although I am a part of it, but I feel we must respect those who helped lay the foundation for us to build on.

Mr. President, on behalf of the people of Cayman Brac and Little Cayman I want to pass on their gratitude and their thanks for the steps that our Government has taken to come in to help us with their losses from Hurricane Allen. It has been a struggle, but I will say this, Sir, there has been a clear up, and bringing back to normal, conditions that I do not think anyone could estimate to be done in such a short time.

I recall in 1932 when we had our damages then, everyone was discouraged, everyone wanted to quit, wanted to leave; quite a few left, Sir, and some of them have never returned. Those who stayed behind, you can believe me, they had a hard, long struggle. There was no help to be had from our Government at that time, there was no money available, almost every house that was rebuilt, to get that house built you had to use the old nails nd straighten them, there were no new nails coming in to do it with. Our Government supplied us with a certain amount of corrigated roofing, but we could not ask the Government, they did not have it, we just had to struggle and do what we could for ourselves. Thank God, that today we can look around and see that our Government can afford to help our people, they have done it, and I cannot answer for anyone else, but I am proud that our Government has been able to do it on this occasion.

Mr. President, this may be my last meeting of the Legislative Assembly, as you know there is an election in November, I do not have to tell anyone that. I plan to stand in for a seat, but that is for the people to decide. I have no intentions of running any heavy campaign, I feel that if my people of my constituency cannot understand, cannot see what has been done over the years, there is no use of me trying to tell them. So, Sir, I feel fairly confident that I will be back here November to address you again, and I support this motion, and I thank you all very much for your attention.

MR. PRESIDENT: I think this might be a suitable time to suspend. I will suspend proceedings until 2:30 this afternoon.

HOUSE SUSPENDED AT 12:45 P.M.

HOUSE RESUMED AT 2:35 P.M.

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

HON. DAVID R. BARWICK: *Mr. President, I had not intended to speak on this Motion, preferring to let my Elected colleagues expatiate on the encouraging financial statistics presented by my able colleague, the Third Official Member.*

However, I now feel that it is incumbent upon me to refer on this occasion to one issue which the Honourable Lady Member from George Town raised at the beginning of her speech, when she expressed her concern at acquittals in certain cases.

I am sorry, Sir, that the Lady Member's concern which I accept to be genuine, should have been expressed in so general a manner calling in question the part played by those involved in the work of the criminal Courts, particularly where drug cases are concerned. There is a danger of allowing a decision in a specific case, particularly one which has caught the public interest to assume too great a significance, and in committing the illogical error of arguing from the particular to the general.

As all Honourable Members must appreciate, it is the duty of a prosecuting officer, whether he be Counsel or a Member of the Police Force to present the facts available to him to the Court in order that the Court may do justice upon those facts. It is not his duty to obtain a conviction in every case; he is a prosecutor not a persecutor. In doing his duty, the prosecuting officer has to rely on evidence which others have collected and which is forthcoming at the time of the trial. An acquittal can result from one of any number of causes.

Firstly, of course, the innocence of the accused person or persons may be proved. Again, a Court may not convict unless the evidence produced convinces it beyond all reasonable doubt that the accused is guilty as charged. An acquittal may mean no more than that the Court has doubts, it does not necessarily mean that the accused is innocent.

As the Lady Member will also know only too well, Sir, many a witness fails to live up to his or her proof, that is to say, to give convincing evidence which conforms to his or her original statement. This may be for a number of reasons. Cross-examination may show that a witness has innocently or otherwise not been a witness of the truth.

Now this particular issue was raised immediately before lunch, Sir, and as I have only just returned after more than two months' absence from the Islands, I have not had time to bring myself up-to-date on all recent developments. I have, however, made what inquiries I have been able to do in the time available.

As presently advised, I do not think that as a general matter that the proportion of convictions to acquittals is appreciably different from that in any other similar country. I do know too, that the Counsel who regularly presents cases are dedicated advocates of ability and experience who came to these Islands highly recommended on the basis of their previous experience and they have, Sir, my full confidence. At the same time I will confer with the Honourable the Chief Justice, and with the newly appointed Commissioner of Police on the matters which the Honourable Lady Member has raised, and I will myself read and review the records of the cases which she has referred to by implication.

As I am on my feet, Sir, I will, contrary to my original intention, take the opportunity to congratulate the Financial Secretary and all others involved, in the excellent financial results which he reported earlier to this House, Sir, and if I may, through you, wish him a happy leave which he has so well earned. I thank you, Sir.

MR. PRESIDENT: *Do any other Members wish to speak on the Motion? Does the Honourable Member wish to reply?*

HON. V. G. JOHNSON: Mr. President, I am most grateful, especially to the Members on the Government bench who spoke on the Motion and went into the details of supplementary proposals recommended by their Portfolios.

I did not speak in any detail on the Motion when I presented it, because I thought that the opportunity should be given to the Members themselves to speak on the various recommendations. For this, I am grateful.

Many compliments have been paid on the financial position of Government, that is, painting it a very bright position, and, as I have said in my opening remarks - I do not think that the finances of this Government have ever been as bright as they are at present. I have been in this service, Mr. President, for thirty-five years, I have seen many good times and I have seen many bad times, and so from those experiences I know what it is to enjoy a viable and bright financial position.

I have also seen the operation of many Governments during my time and I can only say that I have admired them all, they were all able and very efficient and they contributed in their own time much to the welfare of this country.

The Cayman Islands are now experiencing a period of great boom, which started in 1977, and I only hope that this bright position will continue to greet the new Government in 1981.

Mr. President, a Member touched on the Crown Colony status of the Cayman Islands, and I too would like to say a word about this. I do not think that the Cayman Islands needs to be ashamed of its Crown Colony status. It is said that under the present system the Cayman Islands enjoys the better of two worlds; it enjoys a great measure of autonomy from the British Government, because of our financial independence, and so Britain allowed the colony to manage its own affairs to a great extent.

And two, we enjoy political stability from our status as a Crown Colony, and political stability has earned for this country the bright financial position we see today. It has stimulated the economy, it has improved the various sections of tourism and the financial industry, and I think that as long as political stability continues in this Island the economy will continue to be buoyant. I hope that the politicians of these Islands will take this into consideration and that there will be no hurry in these Islands to move forward constitutionally.

The present system has fed us well, it has treated us well, and Mr. President, what more could one expect in these days of such great turmoil and frustration throughout the world? I think it is a position which we can be proud of and one which we should protect at all cost.

The Motion before us recommended supplementary expenditure of over $2M, and as other Members explained some of the details, there were a number of large items, the largest of which was a supplementary to improve construction equipment in Public Works in the amount of $400,000. This the Member for Communications, Works and Local Administration explained.

The other big item was in respect of the lengthening of the Cayman Brac airfield, which will cost a sum of approximately $900,000. It is hoped that this project will begin this year and so a request was made for a sum of $243,000 and the balance would be requested in the 1981 Estimates.

The other big item is one that was mentioned - $250,000 to purchase additional shares in Cayman Airways.

Mr. President, much has already been said to support this Motion, and at this stage I will ask all the Members here to give it their fullest support. Thank you, Sir.

MR. PRESIDENT: The question is:- "that this Legislative Assembly approves that the Financial Secretary be authorised to spend a sum not exceeding CI$2,025,502 on supplementary expenditures under the various Heads and Subheads of expenditure as stated in the Report of Finance Committee".

QUESTION PUT: AGREED. MOTION WAS PASSED.

GOVERNMENT MOTION NO. 9 - SUPPLEMENTARY EXPENDITURE

HON. V.G. JOHNSON: Mr. President, I formally move Government Motion No. 9 recommending Supplementary Expenditure, and the Motion reads:-

> "WHEREAS at a meeting of the Standing Finance Committee held on the 19th June, 1980, supplementary expenditures amounting to CI$216,395 submitted from various departments of Government were examined.
>
> AND WHEREAS Finance Committee accepted the various proposals and recommended that they be forwarded to the Legislative Assembly for approval.
>
> BE IT RESOLVED that this Legislative Assembly approves the recommendations of Finance Committee and that the Financial Secretary be authorised to spend a sum not exceeding $216,395 for the purposes stated and agreed under the various Heads and Subheads as set out in the Report from Finance Committee laid on the table of this Assembly earlier."

Mr. President, the Report of Finance Committee was tabled here this morning and an explanation was given then in moving the adoption of the Report. The sum of $216,395 covers requests from seven departments of Government, and the amount covers both recurrent and capital expenditure. The recurrent element of the amount is $172,475, and the capital $43,920.

Mr. President, as all the Elected Members here are members of Finance Committee, they have all examined these proposals in detail and accepted the recommendations, and at this stage I would only request them here in formal session to agree to the Motion which conveys the wishes of Finance Committee. Thank you, Sir.

MR. PRESIDENT: The question is:- "that this Legislative Assembly approves the recommendations of Finance Committee and that the Financial Secretary be authorised to spend a sum not exceeding $216,395 for the purposes stated and agreed under the various Heads and Subheads as set out in the Report from Finance Committee laid on the table of this Assembly earlier".

QUESTION PROPOSED: DEBATE ENSUED.

HON. TRUMAN M. BODDEN: Mr. President, Sir Winston Churchill said that an optimist sees an opportunity in every calamity, and a pessimist sees a calamity in every opportunity.

One look at the economy of this country, Mr. President, and if anyone at this stage does not recognize it as good, then he is bound to be a pessimist.

This third Motion dealing with supplementary expenditure has, as the Financial Secretary mentioned, to be looked at in light of savings that will be made under the various Heads. The country can well afford the supplementary expenditure in this and the other Motions, because for once the country is in a position that is perhaps the envy of any free country in the world, and here I will be repeating perhaps, some that has been said, but the country does at this stage have a cash position which includes its reserves of approximately $11M. And if you take that, Mr. President, as a ratio of the estimated percentage, it exceeds the 50% mark and is actually on its way to the two-thirds of the amount of money that will be estimated to be spent this year. Therefore the country, at this specific time, would stop taking in revenues for approximately eight or nine months and continue to run the country. That, Mr. President, gives the guarantee that in the event of recessionary economic problems the country has a savings and it has a cushion to ease the impact of any type of a recession.

HON. TRUMAN M. BODDEN (CONTINUING): The Public Debt at present is probably between $8M and $9M, and probably only a few million dollars over what it was in 1976, so therefore there is sufficient ready cash which may be moved into reserve that can well exceed the Public Debt of this country.

However, as everyone appreciates long-term projects, capital projects should never be financed out of short-term revenue unless there is quite an excess of it and it should be preferably spread through loans over a medium or a long-term period. Added to this is the fact that this year will show a further surplus beyond what we now have as at the end of July, and the reserves which are held in the accounts of the Currency Board that relate to the coins (collectors' coins that have been issued) can also be used legally to swell the reserve and the general revenues once a transfer is made from there.

The position, I think, can be once again looked at in the words of Calvin Coolidge when he said,"After order and liberty, economy is one of the highest essentials of a free Government; economy is always a guarantee of peace". Regardless of what context one takes economy, Mr. President, in that statement it does not only mean the careful control of funds, the careful raising of funds, but also the creation of an economic base for the continuity and the stability of the country.

There has had to be controlled spending in this country to get where we are now. The proof of anything does not come from words, but comes and is more realistic from facts, and the fact at this stage, Mr. President, is that within the past four years this country has moved out of a position of a deficit, no reserves, into a position where it has reserves that far exceed the projected and the target reserves mentioned by the Financial Secretary, I think, either one or maybe two years ago when he quoted the target there as being, I think, either three or four months of the expenditure of the country. So we have well exceeded that - nearly doubled it at this time.

At this stage, Mr. President, if one looks at a balance sheet of the Government, it would be very obvious that this country is in a net cash position that it could liquidate its public debts and it would still have cash left. That position, Mr. President, has always been the aim and the envy of the individual and of the corporate investor. We have reached that and I would say that anyone who does not recognize this, must at this stage, be a very pessimistic person, or alternatively must be somewhat confused as to the simplicity that I see the position financially of the country.

Mr. President, it is very easy to spend money, in fact I would say any irresponsible or any foolish person can very easily spend money, and any fool can destroy or slow down the economy of this country. However, Mr. President, where the men are sorted out from the boys, and I think the wise from the foolish, is to build the economy and to be able to make money. The making of money, the building of the economy, is something that takes skill, it takes ability. The tearing down of it can be done very quickly and I should say, especially in this country, it can be done overnight.

I would like to endorse what the Financial Secretary has said in relation to the remaining of this country as a Crown Colony under its present constitutional status. In fact, I believe that it is one of the most crucial ingredients of the continuity of this country economically, socially, and also from a political point of view, and the preservation of the basic and fundamental rights that we remain a Crown Colony. We have a good thing and I have been taught that if you have a good situation, then if you change it you will probably change it for the worse. That stability and the economic continuity of this country is also dependent on many factors and one of these must include equality and fairness to persons who invest in this country, it must allow for a reasonable return on those investments.

Another, and perhaps most important ingredient after our preservation, our constitutional status is, to have a sensible, stable, political scene with the ability to carry out policies effectively and fully, and especially to understand the economic substratum of the Islands. It must carry with it as well, fair and equitable control on immigration.

HON. TRUMAN M. BODDEN (CONTINUING): I believe, Mr. President, that the team that has provided the revenue here, so that Motions such as this can be passed without having to be looked at and cut, the team that has put this together has had the ability and the foreseeability, the stability, and has been good for this country. It has created the atmosphere in which everyone, including the Government, has been able to better itself and individually better one's self. And I would like to thank Members for the relationship I have had with them and the assistance, and I think that it could well be summed up in the words of Beaconsfield when he said that "there can be no economy where there is no efficiency or ability. Thank you.

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

HON. V. G. JOHNSON: Mr. President, I have nothing more to say really than to just thank the First Elected Member of Executive Council for speaking and supporting the Motion. I know it is supported by all the other Honourable Members who did not speak on it. And as this is perhaps the last supplementary expenditure that will come to this Honourable House for this year, I would like to take this opportunity, Mr. President, to thank all Members for their very kind support in dealing with all financial matters presented to both the Standing Finance Committee and this Honourable House. I know that they have examined the various proposals carefully and the decisions that they have taken in supporting and approving the various recommendations and measures have been in the best interest of the Government. I thank them very much, and so I have nothing more at this stage, Mr. President, to say than to ask the Members to give the Motion their support.

QUESTION PUT: AGREED. MOTION WAS PASSED

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO.2) LAW, 1980

FIRST READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO.2) LAW, 1980.

MR. PRESIDENT: "The Banks and Trust Companies Regulations (Amendment) (No. 2) Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

CLERK: THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO.2) LAW, 1980.

HON. V. G. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled "The Banks and Trust Companies Regulation (Amendment) (No.2) Law, 1980".

Mr. President, earlier this year an amendment was proposed to The Banks and Trust Companies Regulation Law seeking to provide a special licence fee for companies which are subsidiary of other licensees operating in the Cayman Islands. That Law amended subsection (8) of section 4, and it was thought that this amendment was sufficient to meet the requirements of providing a smaller licence fee for subsidiaries of other licensees who would do nothing other than to hold shares and stocks of the parent company.

Well, after the Law was passed it was discovered that it perhaps covered a wider area than was originally anticipated, and this category included other banks and trust companies operating in the Island under an "A" Licence. It was therefore necessary to propose a further amendment to restrict the activities of subsidiaries of other licensees for it to relate only to those companies that would only act as custodian of the parent company to hold shares and stocks.

HON. V.G. JOHNSON (CONTINUING): Another anomaly that was found in the legislation was that it provided an initial special licence fee that said nothing of the annual licence fee, and so it was thought that a subsidiary of a licensee would pay an initial small fee and an annual large fee.

The Bill which is before us, Mr. President, is to take care of those anomalies, and at the same time to reduce the fee from $2,500 to $750. It was thought that since these subsidiaries would be very limited in their activities and, in fact those activities would in no way relate to banking and trust business that the fee should be much smaller than what was originally recommended. And so this Bill, as I have said, reduces the fee from $2,500 to $750. It provides that the subsidiaries pay the fee in the initial granting of the licence and annually thereafter to pay the same level fee.

I recommend the Bill, Mr. President, it is a very short piece of legislation, it has been properly examined and vetted with the assistance of the banking institutions in the Island, and I have no doubt that this recommendation will now meet the requirements of the original proposal, and at the same time make the fee a reasonable one which all subsidiaries will pay without question.

I therefore recommend the Bill to Members, Mr. President, and would ask for their very kind support.

MR. PRESIDENT: The question is that a Bill intituled "The Banks and Trust Companies Regulation (Amendment) (No. 2) Law, 1980" be now read the second time. The motion is open for debate.

If there are no speakers, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE SUPPLEMENTARY APPROPRIATION (1978) LAW, 1980

FIRST READING

CLERK: THE SUPPLEMENTARY APPROPRIATION (1978) LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Supplementary Appropriation (1978) Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

CLERK: THE SUPPLEMENTARY APPROPRIATION (1978) LAW, 1980.

HON. V.G. JOHNSON: Mr. President, I beg to move, Sir, the Second Reading of a Bill entitled "The Supplementary Appropriation (1978) Law, 1980".

Mr. President, as the memorandum of objects and reasons state, this Bill seeks to allow and confirm certain supplementary expenditures during the financial year 1978 as set out in the Schedule to this Bill.

Mr. President, the financial procedure in Government is that over and above the approved Estimates for the year, Heads of Departments recommend as it is deemed necessary, additional expenditure for the year. These requests go to the Standing Finance Committee via the Legislative Assembly, and are examined and forwarded for final approval by the Legislative Assembly in the form of Motions. We dealt with two such Motions just awhile ago, Mr. President, and that gives the Government the authority to spend additional funds during the year.

At the end of the year when the final accounts are audited, the expenditure is then examined to see Head by Head what excesses there are during that particular financial year. Very often these excesses are much less than the supplementary expenditure approved Motion by the Legislative Assembly, because as I stated this morning, it is very likely that there are surpluses under other Heads or under other items which would offset, or nearly offset, some of the supplementaries sought. But the reckoning of the year's operation is assessed at the end of the year, and so the audit examines these various Heads of expenditure and looks at the excesses.

HON. V.G. JOHNSON (CONTINUING): Now the Supplementary Appropriation Law, which is the final authority for all the excesses over and above the approved Estimates is submitted to the Legislative Assembly in this form - a Law to be approved. And so for all the financial years there are the Appropriation Laws, which are followed by the Supplementary Appropriation Law to cover all the expenditure of a given year.

This Bill, Mr. President, is to seek the final approval of all excesses for the year 1978, and they are calculated Head by Head under the Estimates of expenditure. And in this year the final outcome revealed that the sum of $1,184,695 is required over and above the approved Estimates for that year to cover all the expenditure of the year. This happens year by year, Mr. President, every year we find Supplementary Appropriation Bills coming to this House and so it is straightforward.

I would request Honourable Members to give their support to the Bill. These have been thoroughly examined by the auditors, submitted or recommended in their Report, and now we seek the final approval of the Legislative Assembly in the form of the Bill which is presented here. I recommend it to Honourable Members and ask for their support.

MR. PRESIDENT: The question is that the Bill intituled "The Supplementary Appropriation (1978) Law, 1980" be now read the Second time. The motion is open for debate.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

MR. PRESIDENT: Under Standing Order 68 this Bill is not committed to a committee of the House, and is set down for Third Reading.

THE DIVISION FENCES LAW, 1980
FIRST READING

CLERK: THE DIVISION FENCES LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Division Fences Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

CLERK: THE DIVISION FENCES LAW, 1980.

HON. G. HAIG BODDEN: Mr. President, I move the Second Reading of a Bill entitled "The Division Fences Law, 1980".

In 1865 a Law was passed to deal with the division of fences in these Islands. The Law simply stated that adjoining landowners would share the cost of the erection and maintenance of fences.

Over the passage of years and by the effluxion of time the Law became obsolete. When the Law was passed in 1865, it is my understanding that the only parcels of land fenced in the Cayman Islands were parcels of land where cattle were kept, and so it was reasonable to have a Law so that the cost of these fences could be divided. If that same Law existed today, and if that same Law which was unchanged from 1865 remained in force, the position would be that if your neighbour in an urban area decided to put down an expensive concrete fence costing $10,000, he could force you as his adjoining neighbour to pay half of the cost. This was the 1865 Law.

In 1976 the Legislative Assembly passed the Animals Law. The Animals Law made provision for cattle owners to bear the full responsibility of controlling their cattle, and so the responsibility for the keeping in of cattle shifted from being split between adjoining landowners to the cattle owners themselves. This was accepted, and two years later the Legal Department in doing a revision of the Laws, struck the Division Fences Law from the books.

HON. G. HAIG BODDEN (CONTINUING):
The Assembly approved the rescinding of the Division Fences Law in 1978, and everybody was happy, everybody thought that was the end of the matter.

On the eve of the election, a couple of weeks ago, somebody suddenly discovered that the Division Fences Law might be the stone with which to wreck the hitherto indomitable Bodden Town Member, and so agitation was started, petitions were circulated, public meetings were called every night of the week excluding Sundays, and the public was told that the Member responsible for Lands had suddenly made the Division Fences Law of no more value. This is surprising to say the least, because for one hundred and thirteen years (113) this Law had been on the books, there had never been a single case in Court over this Law, there had never been any litigation in one hundred and thirteen years and all of a sudden it was hoped that the striking of this Law from the books would unseat the Bodden Town Members.

The amazing part is that the people who were today agitating for the resurrection of the Division Fences Law were the same people who in the past administration introduced the Animals Law, which nullified the provision of the Division Fences Law.

The Bill before the House seeks to bring back the Division Fences Law in a modified form, it will not apply to all areas. During the committee stage an amendment will be made to the Bill before us, (the amendment was circulated this morning) and when we come to the committe stage, Mr. President, I will have to ask for your indulgence to deal with that amendment since it has not been circulated for two days - (Standing Order 52, I believe that is). So the position will be that when this Bill is put back on the books, the Governor in Council may prescribe certain areas to which the Bill will have application. These areas will be only the agricultural areas that are in use as agricultural lands and other areas not pertaining to agriculture will not be covered by this Bill.

We have had some representation from Cayman Brac, and it is indicated that they do not see the necessity for this Bill, and I believe that they are quite correct. There is no zoning at all in the Lesser Islands, the Development and Planning Law does not apply as far as zoning is concerned to Cayman Brac and Little Cayman.

The areas to which this Bill will apply will be affected in that the landowners will bear the cost of fencing adjoining properties. With the passage of this Bill my opponents in Bodden Town will have to scratch their heads again to find out something that they can use in November, and I cannot help but say that they went far back in tradition - one hundred and thirteen years, to find something that might help them today. But the very act of going into tradition proves what tradition really is, because tradition does not mean that the living are dead, but that the dead are living.

MR. PRESIDENT: The question is that a Bill intituled "The Division Fences Law, 1980" be now read the second time. The motion is open for debate.

QUESTION PROPOSED: DEBATE ENSUED.

HON. CHARLES L. KIRKCONNELL: Mr. President, I would like to thank the Member responsible for Agriculture, Lands and Natural Resources for making it possible for this Bill to exclude Cayman Brac and Little Cayman by application. The exclusion will be possible through the Governor, who may by order in the Gazette, prescribe the area where the Law will affect. As the Member has already stated, there is no zoning in Little Cayman or Cayman Brac and this Bill, Sir, while it may be suitable for areas in Grand Cayman, it is not suitable for either Cayman Brac of Little Cayman and it will create a lot of hardship to the cultivators there. There are many small cultivators, but there are very few people raising cattle.

I consider that section 31 of the Animals Law (Law 8 of 1976) adequately covers the needs of the people of Cayman Brac and Little Cayman. I consider that this Bill is fair and reasonable. I accept the undertaking with gratitude that this Bill, The Division Fences Law, 1980, will not apply to Cayman Brac and Little Cayman. With this guarantee, Sir, I support this Bill.

MR. CRADDOCK EBANKS: Mr. President, while in principle, I give support to the reintroduction of an amendment to this Bill, I do not quite go along with what has been stated. To the best of my knowledge and custom it has always been almost as good as Law. I well remember (from the time I could recollect) people dealing with fencing properties, it was not only based on people having cattle or cattle land, it was the privilege of any landowner to fence his or her property, and this was done on many occasions and in many places.

I well remember too, Sir, that there was always a sort of a mutual agreement between adjoining landowners, that if it was the desire of one to fence all the property they would share in the cost, but if it was the feeling of one landowner to fence only his or her property - his share - the half, then I did not know that the Law would bind one and then apply the cost to the other. I have always known it to be a mutual agreement and much of the land properties in this Island were fenced whether they were used as pasture lands or not, it was simply to protect their land, know their boundaries, know their land. And while I support the Bill in principle, as I said, I do not see that it should be binding in the Law, because it could well be whether it be a minimum charge or an overburdened charge, one might refuse to pay the half of the cost, and then it undoubtedly would end up in Court to be settled and would cost more again.

For damages they said you would have to apply to the Courts while again it was always the custom that people would be selected who would be well aware or well established - say like farmers, if somebody's cows got into another man's ground, they would call in valuators, people who had experience in cultivation, farming, and try to reach some measure of value as to what damage had been caused, and the person who would be made responsible.

So I feel, Sir, that this should continue along these lines with the alternative, and if it needs to be settled by law, well we have the law to settle it.

So with those few remarks, Mr. President, when we go into the committee stage, I will ask some further questions and get some clarification on this. I thank you, Sir.

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

HON. G. HAIG BODDEN: Mr. President, with or without the presence of the law, there is really nothing to prevent landowners from agreeing to sharing the cost of erecting a fence. In fact although the Law had been, as I said, on the books for one hundred and thirteen years, nobody ever went to Court to force a neighbour to mend his fence, because the exercise of going to Court is more costly than erecting the fence. And even with the Law as it stands, the only remedy that a person has is to take his neighbour to Court to force him to fix the fence.

The matter of the type of fence and the financial situation of the landowner is taken care of by the proviso in section 2, which says that:-

> "Provided that the fence shall be of such material and specifications as are reasonable having regard to all the circumstances, including the financial position of the parties".

I believe that with the putting back of this Law on the books, we will not see any big change in the manner in which fences are erected, either for agricultural purposes or any other purposes. But the amended Law is certainly an improvement on the 1865 Law, which if that Law had been left on the books, would force anybody in any area to bear half of the cost of the adjoining fence and perhaps Government would even be called upon to fence half of a person's front yard if it adjoined the road. So the 1865 Law had served its purpose, and in 1978 when it was struck from the books it was the correct thing to do, it needs no justification, and if it does need justification, we can fall back on the past administration because it was they who made the striking off it necessary, and we know that we can count on support from certain areas if we are called upon to use the resources and the natural abilities of the past administration.

HON. G. HAIG BODDEN: (CONTINUING): So the Bill is a simple one page Law, which as I mentioned about tradition, means that the living are not dead, but that the dead are living.

MR. PRESIDENT: The question is that a Bill intituled "The Division Fences Law, 1980" be read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1980

CLERK: THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Towns and Communities (Amendment) Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

CLERK: THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1980.

HON. D. H. FOSTER: Mr. President, I beg to move the Second Reading of a Bill entitled "The Towns and Communities (Amendment) Law, 1980".

Mr. President, this is a very short amending Bill and it seeks to extend section 3 relating to the riding or driving in any thoroughfare or highway or public places. It also seeks to increase the punishment for any offence under section 3 of the Law.

As I said, Sir, it is a very short amending Bill and it should create no controversy whatsoever and I ask the support of the House on this Bill.

MR. PRESIDENT: The question is that a Bill intituled "The Towns and Communities (Amendment) Law, 1980" be read the second time. The motion is open for debate.

QUESTION PROPOSED: DEBATE ENSUED.

HON. CHARLES L. KIRKCONNELL: Mr. President, although this is a very short amendment it is nonetheless a very important amendment. This Bill seeks to stop the dangerous practice of riding horses on the West Bay Beach where children are playing on the beaches and where people are sunbathing. Sooner or later if this practice is not stopped someone will be killed or maimed for life. I would ask that the news media give this Bill full publicity and to warn those who are in the habit of riding carelessly on the beaches, that from here on they will be prosecuted and dealt with accordingly.

It is a practice that will affect our tourism, it is a practice probably that may kill one of our children. I often go to the beach, and on Sundays in particular - Sunday afternoons - as regular as clockwork , you can look and you will see horses coming down, being ridden by irresponsible youths. They have no regard for law, no regard for order and no respect for persons. I think, Sir, that it is time we put a stop to this and clean this area up. I give this Bill my full support.

MR. CRADDOCK EBANKS: Mr. President, I too would want to give this Bill my support, but I am just wondering how far this would reach, because everyday it just seems that something needs to be enforced whether it is The Towns and Communities Law, to try to keep the Island in a little bit better presentable face shape.

We have the Traffic Department which I am afraid will soon run out of yellow paint, it seems to be the only God's almighty thing that it is interested in, is painting yellow lines. Yet cars will burn out on the road, stay on the road to be a nuisance, a further obstacle of creating other accidents for weeks, and the Department says, "We do not

MR. CRADDOCK EBANKS: (CONTINUING): have anything under the Law to make them move it". Yet all over the years with the wisdom of other departments they could not present an amendment to have this taken care of sometime.

So almost everyday you see car wrecks, cars burned some place, like the one just before getting into Old Man Bay, which has been there for months lying on the side of the road burnt out, a sore eye to motorists, for people travelling, walking or whatever. If we are going to talk about community cleaning up, the Community Law, and if we are going to extend it for the purpose that it ought to be, then everything ought to be brought in. You cannot prosecute people for doing these things - then why wait so long?

Mr. President, I support this and when we go into committee stage again I am going to raise some points on it, but as it is, I will give it my support.

MR. PRESIDENT: Do any other Members wish to speak on this Motion? Does the Honourable First Official Member wish to reply?

HON. D. H. FOSTER: Yes, Sir. Just to one point made by the Honourable Member for North Side. The Honourable Second Official Member has brought to my attention that the point made by him in respect to wrecked cars is taken careof in Law 14 of 1977; it was an amendment to the Towns and Communities Law then. It says:-

> "If any person throws down, drops or otherwise deposits in, into or from any road or place to which the public are entitled or permitted to have access, or leaves anything whatsoever including but without limiting the generality of the foregoing any paper, bottle, tin can, packing material, offal, carrion, refuse, wrecked car or other vehicle", etc.

So, in short, Sir, there is a Law in effect to take care of these wrecked cars, it looks like it is a matter of just enforcing it. Apart from that, I would just like to thank the Members for supporting the Bill and I again recommend it.

MR. PRESIDENT: The question is that a Bill intituled "The Towns and Communities (Amendment) Law, 1980" be now read the second time.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING.

THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1980

FIRST READING

CLERK: THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1980.

MR. PRESIDENT: A Bill intituled "The Music and Dancing (Control) (Amendment) Law, 1980" is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

CLERK: THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1980.

HON. JAMES M. BODDEN: Mr. President, I move the Second Reading of a Bill for a Law to amend the Music and Dancing (Control) Law, 1977.

This is a very short amendment and basically it deals with the insertion of the word "or" and defining the categories of licenses and as to the distinction they fall into. As it is right now it could be interpreted that the license would have to fall under three different categories whereof, with the insertion of the word it can be one or the other and I seek the support of the Members with this Bill.

MR. PRESIDENT: The question is that "The Music and Dancing (Control) (Amendment) Law, 1980" be now read the second time. The motion is open for debate.

If there is no debate, I will put the question.

QUESTION PUT: AGREED. BILL GIVEN A SECOND READING

MR. PRESIDENT: That concludes our business on today's Order Paper, so we leave for tomorrow the committee stages of four Bills, the second one has already been committed for Third Reading; I do not think it will take us very long tomorrow morning.

ADJOURNMENT

MOVED BY: HON. D. H. FOSTER.

QUESTION PROPOSED: DEBATE ENSUED.

HON. J. M. BODDEN: Mr. President, I would just like to make a brief announcement before the closing. This will be the last Session of this four year Assembly, and I personally would like to thank the electorate of my district who have made it possible for me to serve the country for the last four years. I thank the Members of the Legislature, who vested in me their confidence that we could perform the job, I thank you for your guidance, I have enjoyed working with you, I hope you will be around with us for the dissolving of the next Parliment, and to the Members on the official bench, I really wish to thank them because they have been a lot of help to us.

I think that I can say the same as the other three Members will say, that we have learned a lot in the last four years and we have tried to do our best for the country although there may have been areas that we were not 100% perfect in.

To the Member from West Bay who has announced that she will not be running, I am thankful that she has served in the House. I think she has already created history by being, I think, the first Member to get married to another Member of the House during their term. But I think that as she goes on in life, she can tell her children or her grandchildren that she has answered the call to duty when she was needed, and that she has done the best for her country and that she was able to serve at a time when the country really needed her.

So, to all the Members, I wish them the best of luck and I will probably be along with them in the campaign this year as well; I have not 100% decided on it as yet. Thank you, Sir.

QUESTION PUT: AGREED. AT 4:24 P.M. THE HOUSE ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 10th SEPTEMBER, 1980.

THIRD AND FINAL MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY HELD ON WEDNESDAY, 10TH SEPTEMBER, 1980

PRESENT WERE:-

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.M.G. - PRESIDENT

GOVERNMENT MEMBERS

HON. D. H. FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
HON. DAVID R. BARWICK, C.B.E.	*SECOND OFFICIAL MEMBER*
HON. TRUMAN M. BODDEN	*MEMBER FOR HEALTH, EDUCATION AND SOCIAL SERVICES*
HON. G. HAIG BODDEN	*MEMBER FOR AGRICULTURE, LANDS AND NATURAL RESOURCES*
HON. CHARLES L. KIRKCONNELL	*MEMBER FOR COMMUNICATIONS, WORKS AND LOCAL ADMINISTRATION*

ELECTED MEMBERS

MR. D. DALMAIN EBANKS	*FIRST ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. J. GARSTON SMITH	*SECOND ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MRS. ESTHERLEEN V. EBANKS	*THIRD ELECTED MEMBER FOR THE FIRST ELECTORAL DISTRICT OF WEST BAY*
MR. GEORGE C. SMITH	*SECOND ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TOWN*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER FOR THE SECOND ELECTORAL DISTRICT OF GEORGE TWON*
CAPT. K.P.TIBBETTS, SR., J.P	*FIRST ELECTED MEMBER FOR THE THIRD ELECTORAL DISTRICT OF THE LESSER ISLANDS*
MR. CRADDOCK EBANKS, J.P	*MEMBER FOR THE FIFTH ELECTORAL DISTRICT OF NORTH SIDE*
MR. JOHN B. McLEAN	*MEMBER FOR THE SIXTH ELECTORAL DISTRICT OF EAST END.*

ABSENT:- *HON. V.G. JOHNSON, O.B.E., J.P.* - *OFF THE ISLAND*
HON. JAMES M. BODDEN.

ORDERS OF THE DAY

THIRD AND FINAL MEETING OF THE (1980) SESSION OF THE LEGISLATIVE ASSEMBLY
SECOND DAY

WEDNESDAY, 10TH SEPTEMBER, 1980

1. REPORT OF THE SELECT COMMITTEE OF THE WHOLE HOUSE ON THE MISUSE OF DRUGS (AMENDMENT) LAW, 1980 (STANDING ORDER 72 (1)) BY CHAIRMAN, HON. TRUMAN M. BODDEN

2. QUESTION: -

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

NO.38. (i) Will the Member make a statement concerning Government's policy when a Civil Servant is asked to resign, the post is abolished or the officer is fired and what part does the Public Service Commission play in these cases?

(ii) CAYMAN ENERGY

(a) Will the Member state whether Cayman Energy employs personnel in the Lesser Islands who work from 12 to 22 hours a day and under what conditions and whether these include overtime payments?

(b) Will the Member state whether the royalty being collected from this Company still remains at 3/4 of a cent and what percentage per barrel is being paid to the holder of the franchise?

(c) Will the Member state whether the cause of the oil spill around the Lesser Islands has been determined and whether responsibility can be attributed to any person or persons?

3. GOVERNMENT BUSINESS: -

BILLS:-

(a) THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO.2) LAW, 1980 COMMITTEE THEREON
(b) THE DIVISION FENCES LAW, 1980 COMMITTEE THEREON
(c) THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1980 COMMITTEE THEREON
(d) THE MUSIC AND DANCING (CONTROL)(AMENDMENT) LAW, 1980 COMMITTEE THEREON

(a) THE BANKS AND TRUST COMPANIES REGULATIONS (AMENDMENT)(NO.2) LAW, 1980 REPORT THEREON
(b) THE DIVISION FENCES LAW, 1980 REPORT THEREON
(c) THE TOWNS AND COMMUNITIES (AMENDMENT)LAW, 1980 - REPORT THEREON
(d) THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1980 - REPORT THEREON

(a) THE SUPPLEMENTARY APPROPRIATION (1978) LAW, 1980 - THIRD READING
(b) THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO.2) LAW, 1980 - THIRD READING
(c) THE DIVISION FENCES LAW, 1980 - THIRD READING
(d) THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1980 - THIRD READING
(e) THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1980 - THIRD READING

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WEDNESDAY, 10TH SEPTEMBER, 1980

10:00 A.M.

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

REPORT OF THE SELECT COMMITTEE OF THE WHOLE HOUSE ON THE MISUSE OF DRUGS (AMENDMENT) LAW, 1980 (STANDING ORDER 72 (1))

HON. TRUMAN M. BODDEN: *Mr. President, I have to report, Sir, that the Select Committee of the Whole House on The Misuse of Drugs (Amendment) Law, 1980, finds itself unable to conclude its investigation before the end of this session.*

MR. PRESIDENT: *The Honourable Member's Report is accepted.*

QUESTIONS

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

NO. 38: *Will the Member make a statement concerning Government's policy when a Civil Servant is asked to resign, the post is abolished or the officer is fired and what part does the Public Service Commission play in these cases?*

ANSWER: *Civil Servants may be employed on permanent and pensionable terms (limited in practice to Caymanians or persons with Caymanian status); on agreement for a fixed period of years, normally two or three year contracts; or on temporary terms. Before an officer is appointed to the pensionable service he serves a period of probation normally for at least two years.*

An officer is seldom asked to resign, but any officer may give notice of termination in accordance with the terms of his letter of appointment, the Personnel Regulations which govern pensionable officers, or in the case of a contract officer, his agreement of service. Once a contract is completed there is no automatic right to a further contract although an officer may apply for this. An officer who leaves government service after completing the terms of his contract has not had his services terminated nor has been dismissed. Pensionable officers have the right to retire on reaching the age of 55, or in certain other circumstances as defined in the Pensions Law, and may be requested to retire on reaching the age of 60. An officer may be dismissed on disciplinary grounds after disciplinary proceedings in accordance with Personnel Regulations, but there must be serious grounds for dismissal and the case must be proved.

An officer on probation, however, may have his probationary appointment terminated at any time during probationary service. While Colonial Regulations say that this may be done without reason given, local practice is to advise the officer that it is intended to terminate probationary service and allow him to make representations against termination before a final decision is taken. An officer on temporary terms may be given one month's notice of termination under the terms of his letter of appointment. No reason need be given.

Posts are abolished when the case for continuing the post ceases, e.g. Adjudicator Cadastral Survey; when no provision is contained in the Annual Estimates, e.g. a reduction of three posts to two; or in the interests of the better organisation of the public service. If a pensionable office is abolished the Pensions Law provides for special compensation.

ANSWER (CONTINUING): The Public Service Commission recommends for all posts falling under its jurisdiction on appointment to the public service, on terminations of appointment and abolition of pensionable posts. Certain posts scheduled under Schedule III to the Public Service Regulations are excluded from the jurisdiction of the Public Service Commission including certain senior posts, posts requiring a legal qualification, the Police and Prison services, and temporary appointments. For these posts recommendations are made by the Head of Department to the Principal Secretary (Personnel) who submits his recommendations direct to the Governor through the Chief Secretary.

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

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

NO. 39: CAYMAN ENERGY

(a) Will the Member state whether Cayman Energy employs personnel in the Lesser Islands who work from 12 to 22 hours a day and under what conditions and whether these include overtime payments?

ANSWER: Cayman Energy Ltd. employs 42 full-time persons at a cost of $75,000 per month. In addition they hire as many as 18 extra persons when there are a large number of tankers in port.
When personnel board a tanker they stay on board until the ship is finished, but a shift system is worked - 6 hours on - 6 hours off, the extra hourly paid persons being paid for 18 hours for every 24 hour period.
Once a tanker has commenced pumping the men on duty simply run a watch. When a person is off he can sleep and they are also fed.

MR. PRESIDENT: I think we might take each of these as separate questions to allow supplementaries.

SUPPLEMENTARIES:

MR. J. GARSTON SMITH: Mr. President, with your permission, Sir, I would like to ask one supplementary question.
Could the Member state exactly what percentage does the Cayman Brac population have employed by Cayman Energy?

HON. D.H. FOSTER: Mr. President, this is quite a coincidence that that was asked, because I do have the information.
There are 317 males on Cayman Brac between the ages of 18 and 65, and if you took on an average employment of about 50 a month for the year, this represents 15% of the male population employed by Cayman Energy.

MR. CRADDOCK EBANKS: Mr. President, one supplementary question.
If the Member is saying then that in question (a) - 12 to 22 hours is not correct. Is it then correct to say that the men work from 12 to 22 hours?

HON. D.H. FOSTER: No. Technically it is not correct - they might be away from their home for that period of time, because once the ships join up and they are out to sea they do not come ashore, so they are away from home, but they work 6 hours and they are off 6 hours, but the 6 hours that they are off they are aboard the ship and they can sleep, or do whatever they want to do and they are fed. Now if the ship is in there for 24 hours - they get paid for 18, if she is in there for 12 hours, they still get paid for 18.

MISS ANNIE H. BODDEN: Mr. President, with your permission I should like to ask if this applies also (the hours) to the tug, and are the crew of the tug fed as has been stated?

HON. D.H. FOSTER: Mr. President, I am not quite certain about that, Sir, but I believe the tug crews are these people who are on monthly paid salaries, and so when there is a quiet period, when there is no tanker there they do not have much to do they are off anyhow. I think there is a little bit of give-and-take there with time off, or time off when there is no tanker in port. I am not really certain about the food or anything like that on that one.

MR. CRADDOCK EBANKS: Mr. President, a further supplementary. Could the Member say whether he is aware if there has been any dissatisfaction from these employees on the ship?

HON. D.H. FOSTER: Yes, Mr. President, I am aware that we had one or two people who were disgruntled, but I think they have been settled fairly with as far as I can gather. I would like to say, Sir, in all organizations you are not going to find it perfect, you are going to find one or two who you could never please, but I think the presence of the Company over there to this point has really been an asset and a great help, because if you just take $75,000 a month and multiply it by 12, you can see what it is pouring into Cayman Brac.

MR. PRESIDENT: If there are no further supplementaries we can go on to part II of the question.

NO. 39: CAYMAN ENERGY

(b) Will the Member state whether the royalty being collected from this Company still remains at 3/4 of a cent and what percentage per barrel is being paid to the holder of the franchise?

ANSWER: The royalty was increased from March 1979. As this information is of vital interest to other territories in the same business, I am not prepared to publicly disclose the present per barrel royalty paid, but will be glad to tell the Member privately. The percentage per barrel being paid to the holder of the franchise is the business of the Company and is not known to me.

(Incidentally, Mr. President, I have told the Lady Member in confidence already.)

MR. PRESIDENT: Go on to part III of the question.

(c) Will the Member state whether the cause of the oil spill around the Lesser Islands has been determined and whether responsibility can be attributed to any person or persons?

ANSWER: No proof of the cause of the oil spill around the Lesser Islands has been determined and no one has been held responsible.

MR. PRESIDENT: If Members have no further supplementaries we can take question time to be closed.

MR. PRESIDENT (CONTINUING): The Assembly will now move into committee to consider the four Bills on the Order Paper in committee.

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO. 2) LAW, 1980

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 4 OF THE BANKS AND TRUST COMPANIES REGULATION LAW (REVISED).

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: CLAUSE 3. FURTHER AMENDMENT OF SECTION 4 OF THE PRINCIPAL LAW.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL TO AMEND THE BANKS AND TRUST COMPANIES REGULATION LAW (REVISED).

QUESTION PUT: AGREED. THE TITLE WAS PASSED.

MR. CHAIRMAN: That concludes examination of The Banks and Trust Companies Regulation (Amendment) (No. 2) Law, 1980.
We turn next to The Division Fences Law, 1980.

THE DIVISION FENCES LAW, 1980

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT:

MR. JOHN B. McLEAN: Mr. Chairman, after comparing the original Law to what we have in the Bill, I am wondering if we should not have just changed the fee on the old Law, because as I see it, Sir, this Law has worked for many, many years, and my feelings are - whatever is workable in a country and satisfies the people of the country, I see no reason why we should upset some by changing it. I would suggest that we continue with what we have had and just make a small change - say, where it is two shillings (2/-), perhaps say $30.00, or something like that.

HON. G. HAIG BODDEN: Mr. Chairman, that clause in the old Law is not brought forward in the new Bill at all, because what has happened now is that when there is any matter like this the parties would decide on the damage, and if they were not satisfied, if they could not come to an agreement, this new Bill makes provision for them to take it to Court.
In the old Law, I guess that is the reason why there was no litigation for 113 years, because there was really no provision for the people to go into litigation, and we did not see it necessary to bring forward into the new Bill the provision in the old Law that provided for the payment of an assessor or something like that, so that has been left out altogether. If the Members feel that we should have a clause to provide for a special assessor, well I imagine that could be added, but the Legal Department did not see any need for it since the Bill could be worked by the parties getting together and then if they could not agree, they would go to Court and the Court would decide the damages from the evidence produced.

MISS ANNIE H. BODDEN: Mr. Chairman, as I understood it, that was the whole purpose - these people did not wish in those days, (they were not so mad to go to Court as they are now, Sir), and the whole situation was that they would call two Justices of the Peace together and decide the issue among themselves - like an old Law we had called The Boundary Law where Justices go on the spot and view the boundaries and so on. That was a Law similar to this one that the Court was not involved, they would rather get the Justices of the Peace who would go in a friendlier atmosphere than going to Court.

HON. G. HAIG BODDEN: There is no compulsion to go to Court now for the erection of a fence, the parties can agree amongst themselves on the type of fence they put up, on the cost of it, and it is only if they are unable to settle it amongst themselves that they would take it to Court. It is my opinion it would be stupid to go to Court because the cost of erecting a barbed wire fence is far less than taking it to Court, so the Law is there only if the parties cannot agree. Where the parties can agree, they would decide on who would fix the fence, and what part of it they would fix, what type of fence they would put up, and this Bill does not compel people to take it to Court, it is only here in case the matter cannot be settled out of Court.

HON. DAVID R. BARWICK: They could also, Sir, agree to have it arbitrated privately by Justices, or private arbitrators selected by themselves, if they so wish.

MR. CHAIRMAN: I will put the question on Clause 1. Do you have an observation?

MR. CRADDOCK EBANKS: Yes, Sir. In Clause 2 - why is it spelt out - "lands used for agricultural purposes only?"

MR. CHAIRMAN: We have not come to Clause 2 yet, we are still debating Clause 1.

MR. CRADDOCK EBANKS: Yes, Sir. I am sorry.

HON. G. HAIG BODDEN: Two amendments have been circulated to Clause 1, which we will have to deal with before you put the question, and I think we need the concurrence of the Chair to deal with these amendments since they were only circulated for one day - Standing Order 52 (1) ..... but from your willingness to deal with it, I can assume that the Chair has agreed.

MR. CHAIRMAN: I am prepared to go ahead with this proposed amendment unless Members have any objection.

HON. G. HAIG BODDEN: The amendment circulated is in two parts - one is to amend the marginal note so that it would read - instead of "Short title", it would read - "Short title and application". It would also be necessary to delete the period "(.)" at the end of "Short title"; and the second amendment to Clause 1 would be, here again, to delete the period "(.)" at the end of "1980", and add the words - "and shall apply to such areas as the Governor in Council (the amendment left out the words, "in Council") may prescribe by order in the Gazette"; and I would ask that this amendment be incorporated in Clause 1.

MR. CHAIRMAN: The question is that Clause 1 be amended by adding the following immediately after "1980" in the text of Clause 1 -

"and shall apply to such areas as the Governor in Council may prescribe by order in the Gazette";

and secondly, by adding -

"and application" immediately after "title" in the marginal note to Clause 1, and deleting the full stop "(.)" after "title" and carrying that to the end of the marginal note.

QUESTION PROPOSED: DEBATE ENSUED.

MR. JOHN B. McLEAN: Mr. Chairman, again I disagree with this amendment. I cannot see why we should - for a simple Bill like this - make it more complicated than it is. I cannot agree. As I have said before, this thing has worked for many years and everybody was satisfied with it. I think the only time that the problem really came up was when it was repealed. I have not heard before of anybody being upset about it, I think everybody was agreeable among themselves and a fence had to be fixed.

HON. G. HAIG BODDEN: Mr. Chairman, I think I can answer both questions and the last one is simple. Nobody is really upset about this Law, this was definitely a political manoeuvre by the opposition to stir up people. Nobody is actually upset. I have talked to a lot of people, and nobody is upset. This was a political move by the opposition, and I think the Member need not be concerned, because as I mentioned yesterday, the opposition has now been chagrined by the results of their own behaviour.

The second part of his question as to why we should complicate it by saying that the Bill shall apply to only such areas as the Governor in Council may prescribe - this is to facilitate the people in Cayman Brac and Little Cayman, who feel no need for this Bill. The Bill generally can apply to all areas in Grand Cayman, but in actual practice, will only apply to certain areas if the Governor in Council prescribes them. And this means that unless pressure comes from Cayman Brac and Little Cayman to have the Bill apply to them, it will not apply. We have the assurance from at least one of the Cayman Brac Members that the consensus of opinion in Cayman Brac is that they see no need for this Bill since they believe they are adequately covered under The Animals Law. But the Bill is now structured that if they should change their minds and find a desire to have this Bill apply, well, Executive Council can prescribe that it applies to Cayman Brac and Little Cayman.

MISS ANNIE H. BODDEN: Mr. Chairman, since this is a political manoeuvre by the opposition - I know I am termed an oppositionist - I have not got a cow in my name, I had my yard fenced, it cost me over $4,000; I did not ask a soul to help. And I would say, Sir, we should scrap this right here and now; scrap it and wait until whoever gets in the new House, let them fight this fence issue. I mean, Mr. Chairman, we want to have a clean election, or I hope so, and I think that we as Legislators aid and abet, whoever these oppostion people are. I know I am one of them, very much so. And I feel, Sir, we as a Legislative Assembly of honourable people should have absolutely nothing to do with this coming election, let each man or woman fight on their own grounds.

I know, Sir, I am very upset about certain things - yesterday was my sister's birthday, and I thought I would have had peace in this House. I was attacked to the extent where I said, "I believe if the 11th of November comes, and I could drop dead, instead of the election, they would have a celebration that I was out of their way".

Let us scrap this thing.

MR. CHAIRMAN: I must make it clear that the time to negative the Bill is at Second Reading; it has already been approved to be presented in committee. Clauses can be approved as they are, they can be amended with the leave of the House, or they can be negatived, but we have already debated the principles of the Bill and it has been committed to the committee.

CAPT. K.P. TIBBETTS: Mr. Chairman, I accept your ruling, Sir, but I only received my copy of this Bill on Monday afternoon and all that I knew about it was what I heard on the radio. Those people in Cayman Brac who I have talked to (or those who came to me with it) still feel - as far as I know, that they would much prefer to see the old Law brought back in rather

CAPT. K.P. TIBBETTS (CONTINUING): than to make a new Law. And it was a shock to me just a few months back (within the last 6 months) to learn that this Division Fences Law had really been repealed; I did not know. And I believe if we can leave the old Law as it is, that the people in Cayman Brac would be a lot happier, and I feel sure a lot of people here in Grand Cayman would be happier as well.

HON. G. HAIG BODDEN: Mr. Chairman, I must say that I am surprised to hear this, because many, many weeks ago public notices were put out to the effect that Government would be re-enacting this Law, and if the Member did not hear that he could not have listened to the radio; if he did not see it, he could not be reading the newspaper. I have no other means of communicating with the public, but through the media, and this was well advertised many times. So the Member cannot come here and say that he did not know that we were dealing with this Bill.

CAPT. K.P. TIBBETTS: Mr. Chairman, I must refute that. I plainly stated that all I knew about it was what I heard on the radio, Sir. But the Bill ... I received the Bill on Monday afternoon. I do not understand how the Member is interpreting that I did not know it was going on - I said it was on the radio and that is where I heard it, but the first copy in writing that I saw was what I received here on Monday afternoon.

HON. G. HAIG BODDEN: And, Mr. Chairman, the Member also knows that the policy of the Elected Members is that any Member of this Assembly has free access to us, and if he had any question about it he could have come to me.

MR. CHAIRMAN: I think if Members have had their say, I will put the question on the amendment. The question is that Clause 1 be amended as set out in the paper circulated to Members.

QUESTION PUT: AGREED.

MR. CHAIRMAN: I will now put the question that Clause 1 as amended do stand part of the Bill.

QUESTION PUT: AGREED. CLAUSE 1 AS AMENDED PASSED.

CLERK: CLAUSE 2. EXPENSE OF DIVISION FENCE TO BE BORNE EQUALLY.

QUESTION PROPOSED: DEBATE ENSUED.

MR. CRADDOCK EBANKS: Mr. Chairman, I started to ask the question - why does this Clause point out primarily to 'agricultural lands', and not all properties that landowners so desirous would fence their property? Because cattle 10 miles away can get into my property if it is not fenced; the safety of anyone's property is fencing it, and I cannot see why it should be brought down to agricultural purposes.

MISS ANNIE H. BODDEN: Mr. Chairman, while we are talking about division fences, this might not be exactly for the records, Sir, and I am sure I will get a tongue-lashing for this too, but I have had complaints about the Airport, the unsafe way the Airport is that cattle can stray into it; there are five gates and not one is closed, the fence is broken down. And I heard .... up until this morning a man told me that he is going to tell the pilotswho happen to be flying on these planes they better look out for their lives, because of the conditions of the fence that cattle can stray in, and one of these days, I hope not though, Sir - I hope not - there might be some very great mishap that would be serious to the Islands. So if we are going to fence anything let us begin by fencing the Airport compound.

HON. G. HAIG BODDEN: Mr. Chairman, I would like to reply to the question posed by the Member from North Side with regard to why the Bill is limited to agricultural areas and not the whole Island.

The old Law applied to all the Island. If we put in that same Law in the same form, we would now have a situation where in a commercial area, or in an urban area, a person could force his adjoining neighbour to share the cost of say, erecting an expensive block or rock fence, and if your neighbour decided to put up a fence that would cost $5,000, he could force his neighbour to pay a half of that, and this is why we feel that this is not necessary for the whole Island. If Members want the Bill to apply to all the Islands rather than just the cattle areas, well, whatever is the wish of the House I suppose can be done. But we feel that when the first Law came about it was only used with regard to keeping cattle in, and we feel that we should limit it to the cattle areas, and not let it apply to, say, in the centre of George Town, or in a subdivision where you might have an expensive fence.

MR. CRADDOCK EBANKS: Mr. Chairman, I have known a countless number of people who fenced their property and did not have any cattle - it was not agricultural land. And about an expensive fence to the adjoining landowner, more or less that would come into a residential area, and I cannot see that we can enforce any law to equal the rich with the poor. In other words, the fellow who wants to put up a $10,000 rock fence, a concrete fence, or decorative fence adjoining a poor man, we cannot institute any law to make that poor man bear half of that $10,000. Now that is going across the iron curtain.

MR. JOHN B. McLEAN: Mr. Chairman, the question of extent is clearly stated in section 2 of the old Law. It says - "only the sort of fence, or material used, shall be considered in connection with the means of each party".

MR. CRADDOCK EBANKS: Well, I am determined to put up the type of fence that I want that would cost $10,000 or $15,000. Who is going to stop me then from putting it up? Because John Brown is a poorer man and he cannot meet this, or half of that, then I must not put up the type of fence that I want. You just as well tell me that I cannot build the type of house that I want. Now let us be honest.

MR. J. CARSTON SMITH: Mr. Chairman, I tend to agree with what the Member from North Side is saying. I feel, Sir, that we should not leave it just worded at "agricultural purposes", we should find some other clause in there where we could protect the other sort of lands.

HON. G. HAIG BODDEN: Mr. Chairman, this Bill does not prevent anybody from putting up any kind of fence anywhere that anybody wants. Anybody who wants to fence his property can fence his property in whatever manner he wants to fence it. The Bill only says that where your property adjoins another persons in an agricultural area, that is, an area where you would have cattle, that if both people are using the lands for agriculture. It says - "lands both of which are used for agriculture".

In other words, if I have a property here and I am keeping cattle, and my next door neighbour is keeping cattle, both of us are using it for agricultural purposes and both of us have an interest in fencing the land, and we would share the cost of the fence. But certainly if you have the property anywhere else, and you want to fence it, you can fence it in whatever manner you want to fence it. So the Bill is limited in its application, and it only applies to adjoining lands, that is, lands that touch each other and that are used for agricultural purposes. But if you have your house, or your yard, and you want to fence it, you can fence it, and this Bill has no application to that at all.

MR. CRADDOCK EBANKS: Mr. Chairman, I could have land adjoining the same cattle raiser, and I am not raising cattle, but for the sake of my property I am obliged to fence my land. That is all it is, Sir. And we are moving upwards now, Sir, it will soon be - if it is left unattended. We have a lot of people coming in and buying property in this Island, and they will soon be saying that because they are not raising cattle they are not responsible to fence their property to keep out somebody else's cattle; if you are going to raise cattle against my property you will have to do all the fencing. These are the snags that will come up with these things, and if it is not properly laid down that each landowner fences his own property to his own likeness, and if he does not fence it, well, he bears the consequences of it.

HON. G. HAIG BODDEN: Mr. Chairman, I would say that The Animals Law takes care of this. A section of The Animals Law provides that the owner has the responsibility for taking care of his cattle, and is responsible if the cattle should trespass. But it is only where the property adjoins the property of another person who keeps cattle, and where both parties keep cattle that you split the cost of the fence. If only one person keeps cattle, that person is responsible for taking care of his cattle. (Section 31 of The Animals Law, I believe it is).

So, if the person keeps cattle, he is responsible for keeping in his cattle, and it is only where, in keeping this cattle, if he happens to adjoin another person who also keeps cattle that they share the cost. But if one keeps cattle and the other one does not, they would not have to share the cost - the one who keeps the cattle would have to keep the cattle in, or be responsible for any damages caused.

MR. CRADDOCK EBANKS: Mr. Chairman, I have known a lot of cattle owners who had adjoining land with non-cattle owners, and both parties took care of their own fencing, and I am not going to agree that that be upset. If John Brown's cattle strays out of his property and strays five miles away and gets into somebody else's property - yes, he is responsible, because they got out.

That is exactly what I said a minute ago, Mr. Chairman. There are a number of things, with due respect, that are mooted to attempt to bring some changes in this Island, and a number of those, as long as I am alive, whether I am in here or not, I am going to object and fight them.

It is proposed to stop the importation of big cars. I am not going to agree with that. It is proposed to cut down their acceleration by control. I am not going to agree with that. I am not going to agree to reduce the mileage for speed limits in this Island any more, because the mass people should not suffer for the ignorant few on the roads. Daylight Saving Time - I am not going to give in to that either. And there are people who are mooting these things to change this country in this election, in setting a footstool for it.

MISS ANNIE H. BODDEN: Mr. Chairman, as usual, I am the target in this House. Mervyn Cumber, a white Englishman (since they want pawpaw skin to deal with) has approached me .... If I am out of order, please correct me, Sir, because sometimes my temper comes to the boiling point.

MR. CHAIRMAN: I think we are getting rather far away from Clause 2 of the Bill. I think if Members have all had their say, I will put the question on Clause 2.

QUESTION PUT: AYES AND NOES.

MR. CHAIRMAN: I think the Ayes have it.

MISS ANNIE H. BODDEN: I would like to have a division on this ..... (INAUDABLE).

DIVISION

AYES	NOES
Hon. D. H. Foster	Mr. J. Garston Smith
Hon. David R. Barwick	Mr. George C. Smith
Hon. Truman M. Bodden	Miss Annie H. Bodden
Hon. G. Haig Bodden	Capt. K.P. Tibbetts
Hon. Charles L. Kirkconnell	Mr. Craddock Ebanks
Mr. D. Dalmain Ebanks	Mr. John B. McLean
Mrs. Estherleen V. Ebanks	

MR. CHAIRMAN: The Clause is carried by 7 voices to 6.

CLERK: CLAUSE 3. LIABILITY FOR NEGLIGENCE.

QUESTION PUT: AGREED. CLAUSE 3 PASSED.

CLERK: A BILL TO MAKE PROVISION FOR CERTAIN DIVISION FENCES.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Division Fences Law, 1980".

We turn now to "The Towns and Communities (Amendment) Law, 1980".

THE TOWNS AND COMMUNITIES (AMENDMENT) LAW, 1980

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 3 OF CHAPTER 169.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

CLERK: A BILL TO AMEND THE TOWNS AND COMMUNITIES LAW (CHAPTER 169).

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Towns and Communities (Amendment) Law, 1980".

We turn to the last one before the committee, "The Music and Dancing (Control) (Amendment) Law, 1980".

THE MUSIC AND DANCING (CONTROL) (AMENDMENT) LAW, 1980

COMMITTEE THEREON

CLERK: CLAUSE 1. SHORT TITLE.

QUESTION PUT: AGREED. CLAUSE 1 PASSED.

CLERK: CLAUSE 2. AMENDMENT OF SECTION 2 OF LAW 10 OF 1977.

QUESTION PUT: AGREED. CLAUSE 2 PASSED.

MR. CRADDOCK EBANKS: Mr. Chairman, I am wondering if there is any place in this where it might be inserted since it was pointed out yesterday under the Law that wrecked cars and burnt out cars and what not - that a time period of 24 hours or something be set for these cars to be removed after an accident.

MR. CHAIRMAN: I am not clear how this relates to The Music and Dancing (Control) Law, 1977.

MR. CRADDOCK EBANKS: But ....

MR. CHAIRMAN: We have dealt with The Towns and Communities (Amendment) Law, 1980.

MR. CRADDOCK EBANKS: I am sorry, Sir, I was writing up something and it slipped me. All right, Sir.

MR. CHAIRMAN: I believe that the Honourable Attorney-General summed it up clearly from the official side yesterday that wrecked cars were covered by an amendment to The Towns and Communities (Amendment) Law.

MR. CRADDOCK EBANKS: Yes, Sir, I got that quite clear, but what I was thinking then - to be added there some place that a time limit of 24 hours be given to the occupant (to the owner) to have this removed, or then Government remove it and charge the owner, not for it to remain there for days or weeks.

MR. CHAIRMAN: Perhaps the Member in charge of the Bill may take note of that Member's observation, but we have passed the Bill now and we cannot go back to it.

MR. CRADDOCK EBANKS: I quite agree, Sir. I understand that, I do not expect you to.

CLERK: A BILL TO AMEND THE MUSIC AND DANCING (CONTROL) LAW, 1977.

QUESTION PUT: AGREED. TITLE PASSED.

MR. CHAIRMAN: That concludes examination of "The Music and Dancing (Control) (Amendment) Law, 1980", and concludes our business in committee.

THE HOUSE RESUMED

THE BANKS AND TRUST COMPANIES REGULATION (AMENDMENT) (NO. 2) LAW, 1980

REPORT THEREON

HON. DAVID R. BARWICK: In the absence of the Honourable Third Official Member, Sir, it falls to me to report to this Honourable House that the Bill entitled "The Banks and Trust Companies Regulation (Amendment) (No. 2) Law, 1980" was considered clause by clause by a committee of the Whole House, and passed without amendment.

MR. PRESIDENT (CONTINUING): and indeed the volume and liveliness of question time has long been acknowledged as an indicator, which reveals the calibre of the Legislature.

I pay tribute to Mrs. Sybil McLaughlin, M.B.E., Clerk of the Legislative Assembly, for guiding our procedures, providing the documentation for our proceedings, and acting as a wise counsellor, not only to me as Presiding Officer, but to all Members; her staff have loyally supported her.

To the Chairman and members of the Finance Committee, the Public Accounts Committee, the House and Business Committees, and of Select Committees, I pay tribute for the businesslike dispatch of their duties.

Many of you I understand, will be seeking re-election. I cannot wish you luck as you will stand on equal terms with any other candidates. It lies with the electorate to make the choice, and for the servants of the House, and the Official Members to give the new Assembly the same support and loyalty as they have given present Members.

Government is a continuing process, it is a challenging and fascinating task. Whether individually you are called upon to carry the torch for a further spell, each of you can take pride in having discharged an onerous duty in the four years that are now part of a long history of achievement.

MISS ANNIE H. BODDEN: Mr. President, I would say that out of the 185 questions, I must have asked 100, and for which, Sir, I did it not to criticize, but for information. I feel, Mr. President, that we have been elected to this House, and it does not behove us - since more or less the public do not seem to be interested in attending these meetings, they might read what is put in the newspapers, and I feel that as representatives of the people, we should try to convey in some form what we are doing here.

On the 24th day of December, 1962, I received my letter of appointment as a Member nominated. On the 3rd day of January, 1963, I was sworn into this Honourable House, and from that very day - from that very day, the 3rd day of January, I have been bamboozled, and I mean bamboozled. And a woman with less statue, less size, less everything - would have walked out from that day. I continued the fight. I have not gotten anything out of it, except three free law books, two trips to Cayman Brac, one to Bermuda; one almost disastrous one to Miami, but I have had pleasure beyond control, pleasure of which I enjoy, and pleasure which has taken the place of other things lacking in my life.

Mr. President, I feel that all these past Members from 1963 until this present day, the 10th day of September, should have been proud that a woman of my weak standing, poverty - everything - unprotected - should dare to come forward to try to protect the people's rights, which I have done. But I feel that all of us make mistakes, and I am not saying that everything I did in this House was perfect, but it was my God given conscience that I went by. I have tried to live, as the Bible says, "peaceably with all men". Well I have not succeeded very far, but I pride myself on this, that the majority women nowadays cannot put up with one man, and I have put up with eleven plus four, and I think I have done a wonderful job.

Well, in this coming election, I intend, God willing, to campaign not to say one word disrespectful of one candidate, but I have a problem facing me. I tried these people in George Town, far and near to come on my platform. Not a soul would come - not a soul. Everybody said they did not have the time, it takes too much of their time and they cannot mix up with these people, they cannot stand their bamboozling.

Well, finally the son of the late Administrator, Mr. John A. Cumber came to my office in February, and he said, "Miss Bodden, what about me running on your platform?" I said, "Mr. Cumber, you know that Englishmen are hated by the majority of these people even far worse than Jamaicans, so I cannot encourage you, Sir. But I will say this, that you are

MISS ANNIE H. BODDEN (CONTINUING): a man I admire, a 6-footer, you are an intelligent man, a young man, and one who could help us. I am getting to be an old lady, so I have no objection, but I have already spoken to Mr. Berkley Bush and I will have to consult him to find out his views.

Well, the gentleman left my office and I did not hear any more about that, except that his father had warned him to keep out of these Caymanians politics.

Well, he came to my office, I would say, eight or ten weeks ago, and said that he was going on holiday and asked what was the position? Well I said, "I have spoken to Mr. Bush; he has not said 'yes or no' if he will run along with you, but if he decides that he will not run with you, you have my word that I shall run along with you. If we fail - we fail".

Mrs. Ena Watler and my cousin, Vallee Bodden were in my office, and Mrs. Watler said, "Since these George Town people have not got the ... something into them to associate in politics, there is nothing wrong with Mr. Cumber". I said, "Well and good".

And, Mr. President, since that time I have been abused; they have said they are going to put me down - they are going to put me out, because I have associated with this Englishman. Well I have said, "If I go down because of being associated with Mr. Cumber, I will say it is God's way of taking me out of trouble".

And as for Mr. Cumber, he is not criticized even half as much as Mr. Bush - that is worse again. They say I should be ashamed of myself to affiliate myself with Berkley, who bamboozled me so much. I said, "Politics happens to be one thing - personality is another.

If I lose, I lose - and the only thing I will lose is pleasure - no money, but a lot of pleasure". And I think it is a disgrace to us who claim that we are British Subjects, ... I am proud to be a British Subject, I am proud to be under the Union Jack. I do not want to see the green or yellow, (or whatever it is) Jamaican flag over me, or the American flag with all their stars and stripes, or Russian flag. I want this beloved Isle of ours to remain a British Crown Colony.

Now there was, Sir - may be prior to your arrival here - a great move - "We do not want any more to do with England". I said, "We have not got a defense outside of that great Mother Country; we do not have a good catboat nowadays much less a battleship, and the part played at Cayman Brac should change the views of these stupid people who said 'we do not want anything to do with England'. That should change their views if nothing else will".

Well, Sir, I thank you for the time that you have taken, and your patience must be beyond Job's to endure all the bickering and quarrelling in this House. And I wish for the Members (I do not know if I will be back here), but in spirit I will be, and I hope and pray and trust that whoever campaigns will do so with some dignity.

My platform is - "A B C" - "Annie Huldah Bodden, Allen Berkley Bush, Mervyn John Cumber - A Better Crew for a Brighter Cayman". And I hope that all those who campaign will forget about Annie Huldah Bodden, and all other things that have been said that are not nice. Let us try by God's help to have some unity, because unity is our strength.

And I thank you, Sir, for all the services you have rendered; Mrs. Sybil McLaughlin and her staff; the Executive Council - although I know they do not like me - I still say they have played a great part, but they should bear in mind that from 1832 we had a Parliament, and that has laid the foundations of what we enjoy today. Thank you, Sir.

MR. D. DALVAIN EBANKS: Mr. President, as today brings us to the dissolving of this Honourable House for the past four years, I have to say, it has been a great pleasure to me to be a Member of this Honourable House to serve along with the other Honourable Members guided by you.

We, as a body of this House have done something that the public said we could not do in 1976. We brought these Islands' in Government economy from nothing to a budget of $26 million with $15 million reserve, something that in the history of the Cayman Islands has never been done and in most any small islands throughout the world, just in four years. And today, Sir, as we walk out through that door everyone should feel proud of the part that they have played in the past four years in this Honourable House to do this. We can say it was a job well done whether the critics on the outside want to agree with us or not, there is no time in the history of Grand Cayman that an administration has done what this administration did in four years.

You can speak of the old times when you did not have anything to work with, and if you put the old guys in this place today they could not operate here. We are moving in a jet age, and it took good administration, good planning, good construction, to bring the Cayman Islands forward to what it is today. I am contesting for a seat again, Sir, but it is left for the people of my constituency to decide whether they want me back or not. But I only pray, if I do not get a seat back, Sir, that, whoever fills this seat will do no worse than I have done, and that goes for the majority of the House, Sir.

I am a bit worried with some of the talk on the outside of the changes which should be made. These people who are talking, do not know what they are talking about. A change today or in November, I think would mean another downward trend for this Island, so I pray to God that the people will look into this before they make that move whether they win a seat or not.

I want to thank you, Sir, for the guidance and leadership that you gave us while you were here, I do not think we could have gotten better. And again, I would like to see you in that seat much longer even if I am not here to work with you. To all of my comrades and friends -(as I take everyone as that) - I want to say, a happy ending and may be a happy meeting again, if not we are still friends. Thank you, Sir.

MR. JOHN B. McLEAN: Mr. President, at this time I wish to add my few words. First of all I must say the last four years have been a very great experience for me. When I was elected I knew it was a great task ahead of me, I promised my people that I would serve them to the best of my ability and today I am justly proud that I can stand back in front of them and say, I have done as I had planned to do.

However, Mr. President, the time has come when all Members of this House will be rated by their good deeds or by their bad deeds. I think it is too late for anybody to cry in the wilderness. To the staff of this Honourable House, I would like to pay special tribute, on no occasion can I say that I was not treated correctly. I think that if there is one Department in Government that is properly run, we can say that this one is - a special credit to Mrs. McLaughlin. To you, Sir, it is hard to find words to explain my feelings for your guidance throughout the four years. I do hope and trust as has been mentioned by another Member, that you will be able to sit in that Chair and preside over this Honourable House for many years to come. You have done a wonderful job, and in my way of thinking there are only two people in this world who could say different, that would be a dead man and a fool.

I also wish to pay special tribute to the Civil Servants who have also worked along with me, in some cases we did not see eye to eye, but I am quite happy to know that we were able to work things out for the betterment of those involved. To my fellow members, I must say a very special thanks for your co-operation, your support, if it was not for this I would have found it impossible to have accomplisheddd anything in my four years of office. As we approach our election I pray that each one of you will get your fair share of the cake, and that in November we will be returned to this Honourable House. I look forward to a clean

MR. JOHN B. McLEAN (CONTINUING): campaign and I urge each and every Member to act as grown-ups and to have a very clean campaign. It is not something for me to decide if I will be returned to this House, but I leave it entirely to the people of my constituency for their good judgement, and whatever they decide on I will abide by.

However, Mr. President, if I am returned I will endeavour to work along with whoever occupies the seats in this House for the betterment of the people of this country. Thank you, Sir.

HON. C.L. KIRKCONNELL: Mr. President, I believe that history will record the last four years as four outstanding years in the history of the Cayman Islands. I am proud to have been a part of the past four years.

I would like to thank you, Sir, for your leadership, the wisdom that you have displayed, the dignified and efficient manner in which you have conducted the affairs of this House. Like the previous speaker, I would like to see you, whether I am in here or on the outside, I would like to see you remain in this Chair for many, many years to come. The last four years have been very challenging ones, but with your guidance and your help, and with the help of the Official Members and the other Members of the Legislative Assembly, my fellow Members, Elected Members in Executive Council, we have all pulled together for the good of this country and I think it is there for one and all to see the benefits that we have reaped over the past four years. I hope this may continue, and I shall help it whether I am in h or not to continue.

I would like to thank the Clerk of the Assembly and her assistants during the past four years. This is one Department of Government that is expertly and efficiently run, and I would like to congratulate her again and thank her for whatever she has done for myself and all the other Members.

It has been a pleasure for me to work with the Members outside of Executive Council, I have done my best from time to time, I have gone to their constituencies, I have discussed their problems, I have tried to help solve their problems, and I must say it has been very rewarding to me, and I hope if I am returned that I will have people like the present Members to work with. We are not certain, particularly in these times, we are in a time of change, just who will be here and who will not be here. But I wish and hope that whoever is returned here will do no worse than we have done over the past four years. I would like to say thanks to one and all, and may God bless you.

MRS. ESTHERLEEN L. EBANKS: Mr. President, as today is the last day of our four year term and my last day as a Member for awhile, I would like to join other Members in saying that I have learnt a lot in these four years. It has been a great experience in my life and I would like to take this opportunity to thank the people of my district who elected me to serve in this four year term. I must say, Sir, that there have been many times that as a young Member of this House I have been a bit discouraged, but as I looked at some of the older ones who had been here for a longer time it gave me encouragement to go on. We have had many hard times in trying to bring this country to where it is today, and I think that we can all be justly proud of our achievements over the past four years.

To you, Sir, I must say a great thank you for your able guidance, your understanding with us as new Members, and I would join other Members in saying, I hope you will continue to be with us even for a much longer period. To the Clerk and all the other staff of the Assembly here, I must say I greatly appreciate your understanding and help over the past four years. To the Official Members and Members of the Executive Council and other Members on this side of the House, I feel we have worked hard, got along fine, understood each other, we have had our differences, but at this time we know that we have one thing in common, we have a satisfied mind.

I will say to my colleagues on my left, the battle is going to be rough and I feel that they must fight with confidence, stand on what they have done, present this to the people honestly, and I

MRS. ESTHERLEEN L. EBANKS (CONTINUING): think that they will have no fear of being returned here to serve another four year term. To the other Members I will say the same thing, try not to slander people, if you are pushed against the wall, fight the person with politics not on personal things. I will leave these few words with you all, that it is confidence that will cause each one of you to return here, the confidence that the people have in you and the confidence that you have in yourself that you can serve people. And remember like I have said, I will leave these few words, "if you think you will lose, you have lost, for out of the world we find success begins with the fellow's will, it is all in the state of mind, life's battle does not always go to the stronger or faster man, but soon or late the man who wins is the man who thinks he can!" I thank you.

MR. J. GARSTON SMITH: Mr. President, I too want to endorse most of what has been said here by other speakers. It has indeed been a pleasure during these last four years working with you as our captain, and working with our Executive Council Members, both elected and nominated and with our Members on this side of the House. A special tribute should also be paid to the Clerk and her staff who have been of very valuable assistance to me in these four years.

Mr. President, this is election year, election is right around the corner and no one can tell, as previous Members have already said what can happen in an election year. But, Mr. President, I leave this to the people of my constituency, and if I am re-elected, Mr. President, I will come back to this House and work in the same manner for the people of the Cayman Islands as I have displayed in the last four years.

Mr. President, I want to wish for you, Sir, as has already been said, that you may have many years in that Chair in which you are now sitting. I want to wish for all other Members a happy ending, and that if we are returned here that we will continue to work for the betterment of the Cayman Islands as we did in these four years. I think special tribute should be paid again to our Executive Council, they have been of tremendous help to me, (this is not only elected, I mean official members too) - they have been of great assistance to me, and I want to say a big thank you for how they assisted me in the past four years. Also to my colleagues here on this side of the House, they have also worked very close with me, and I say a big thank you to all of them here on this side of the House.

I do not think that there is much more I can add, much has been said, and I endorse all of these remarks, and I thank you very much, Sir.

HON. G. HAIG BODDEN: Mr. President, I am happy to have been a part of this Assembly over the last four years, and I can truthfully say that I appreciate the confidence that was placed in me by my constituency in 1976. The Bodden Town seats were unopposed, and we can only attribute this to the fact that there would be aspirants for the seats knew that they were incapable of turning the Island around, because what was necessary at that time would have gone directly against the policies that had been pursued.

As we look forward to the next year I can only hope that the new Assembly will be as peaceful and serene as this Chamber has been. The four years from 1972 to 1976 were real stormy years, when Members in any opposition to Government's policy, particularly during the first few years when your predecessor was in the Chair found it very difficult even to get themselves heard, and many times were cut off from the debates. All of that has changed, perhaps with your experience in the Chair matters are conducted in true parliamentary fashion.

We, as Members of the Assembly have been elected in our own districts, and as such became the leaders in those districts whether a small minority admits it or not, we are the people who have been elected. It was funny after the 1976 election to hear people talking about selling out their property and going to live abroad. I know at one time Mijall Farm in Bodden Town was put up for sale just because there had been a change in membership. I believe that a democratic country is able to substantially withstand change, the United States goes through a change of

HON. G. HAIG BODDEN (CONTINUING): presidents every four years, on rare occasions there is a re-election, but countries can find replacements, no man is indispensable and many times that replacement is just as good or better than the incumbent.

The point I am trying to make in all this, is that we expect in Bodden Town that the two present Members will be returned. We have been told this by the people who have supported us over the eight years, no two people in the Island have been as severely criticized as the Bodden Town Members, but no two Members have had as many loyal supporters as we have had and as long as our supporters exceed our opponents we will be here. No underground publication like the Voice is going to put us out of existence. It is a real pity to see what I once considered decent citizens going around handing out this publication which is written and printed in Bodden Town, for no other purpose than to unseat the two incumbents. But I believe that our Cayman public is too sophisticated and too responsible a public to be fooled by a dirty scandal sheet.

In closing I would say, using the words of the old prophets, "Let not he that putteth on his armour boast as he that putteth off". We have a record that we can be proud of, we have shown in every respect that we were able to manage the Government, we were able to carry out all the duties that are expected as parliamentarians, and we have acquitted ourselves well, we can as channel 7 says, we can be proud as a peacock. But I believe that as proud as we are of our own accomplishments we are not half as proud as the public who put us here; the public in Cayman can look back and know that they did right when they elected this House. And the public, because it is made up of so many people, is always right, and I believe that when November comes and when the ballot papers are finally counted that the majority of this present Chamber will be returned, because there is no question about the public being fully satisfied with the actions of this group. We have our critics, some of them are very articulate, but we have found that many of our severe critics in late 1976 and 1977 have now had a chance to evaluate our actions, and even some of them who once scoffed at us and who said that we were incapable of running a Government have found that we are made of good stuff, and like true citizens in a democratic country we are able to meet the challanges that come, and we are able to provide the type of Government which has served us well, which today is disappearing from the world, particularly from the Caribbean.

And it bothers me when I hear those who would take over these seats talking about introducing centralized planning for the hospital, for the schools, things that they have taken from the textbooks of the communists and are now trying to foster or to force upon the people of these Islands. I believe in the free enterprise system where a person is allowed to do business, to use the incentives of profits and profitable living so that he may better mankind. If we are re-elected in Bodden Town, I believe that we will continue to conduct ourselves as we have done over the past eight years, I see no reason to change.

We - (speaking of my colleague who is absent today) came into politics because we believed that we could help build a better Cayman, and I see no reason to doubt that we have achieved this. One need only look around at the satisfied faces, not only of the local people but of those people who come here to do business, and one has to realize that somebody must be doing something right in this country.

HON. TRUMAN M. BODDEN: Mr. President, firstly, I would like to thank you for the able, wise, tolerant, respectful and dignified leadership that you have shown, as President of this House. I believe that it should go down in history that to the best of my knowledge no formal point of order was ever moved from the floor of this Honourable House that you had to formally rule on.

I would like to thank also the Elected and the Official Members for their help, assistance and friendship. I believe that the proceedings of this Honourable House have been conducted and debates carried out in an honourable, logical and tolerant manner. I would like also

HON. TRUMAN M. BODDEN (CONTINUING): to thank the Clerk and her able staff for the able management of this House, and the help and assistance that they have shown. I would like also to thank the constituency of George Town for putting their faith in me for these four years.

Mr. President, I wish Members here every success in the future, and those of you who will be running for election every success in the elections. I have found my four years association with you all to be very beneficial and pleasant, though at times difficult. I am very humbly proud to have been a part of this Government and to have served my country in this way to the best of my ability. I am satisfied Mr. President, that I have done my best for my country, but I must admit it has been very demanding and very tiring. With that, I wish for all here, the Members as well as the staff, and for my people as a whole, God's richest blessings in the future and may they be so guided.

MR. CRADDOCK EBANKS: Mr. President, on reaching another milestone as a Member of this Honourable House, I think I can truthfully say, that I have seen a lot of good days and I have seen some bad days. I remember when we used to meet across in the old Town Hall, when it started to rain we would have to adjourn, the noise from the roof, no breeze, you would get sweaty, and in those days with no numeration at all, but I enjoyed them, Sir.

On each occasion that I came back in as a new Elected Member, I came in with one determination, to work with and respect all Members. At this stage, Sir, I would like to take this opportunity of thanking each Elected Member for being here to associate with them. It is one of the smallest Parliaments I suppose in the Commonwealth, and I believe, Sir, that it is one of the most disciplined and well run Parliament. When we come into the House of Assembly, if we do not expect to get a few stones thrown across at oneanother we better stay on the outside, and I have made it my policy, Sir, with all that might happen in here at the end of the day, I leave it and go outside and meet everybody with a different face, I take nothing out or bring anything.

I have a lot of people to thank. I thank you, Sir, in your capacity as President of this Assembly. I must pay a comprehensive respect and thanks to the staff of this Assembly. I thank my critics on the outside or inside as well, I also thank those who supported me being here. I have always made it my policy to find time to talk to every man and woman in this country who so desired to talk with me about the affairs of this country, I turn nobody aside. I came in here with the determination to do for this country and its people the best I can to the best of my ability without fear or favour, and when I go out of these doors today, Sir, it is left entirely to the people of this Island, and most of all to my constituency if they have been satisfied with me labouring for them to the best of my ability; and I further assure them that if it is their desire that I should return I will come back here, Sir, with the same policy to work without fear or favour to the best of my ability and to continue to help make this country what it ought to be for the people of the Cayman Islands.

And I would like, Sir, to convey to you and ask you to convey to your family my best wishes for the future, and may the Lord guide, guard and direct you after leaving here, which, as has been expressed, we hope it will be some years yet. I thank you, Sir.

MR. GEORGE C. SMITH: Mr. President, after being a veteran of one term I have found it quite effective to listen to all those persons who are normally willing to speak first, because somehow, somewhere, they normally say what you would care to hear passed across the floor.

However, Sir, I was not aware of anybody making any predictions for the coming elections. As a result, I would like to leave primarily two thoughts with my fellow colleagues here today. One is, that a trend in history is that once a country has gone through the staggering economic growth that we have passed through in the past four years, that that country has the tendency to fall into a very rapid, social and welfare

MR. GEORGE C. SMITH (CONTINUING): state. This, Sir, is normally propagated by aspiring politicians, they have a tendency to stimulate the minds of the not so fortunate, to the point where they start telling them that it is possible to get something for nothing. And it is my opinion, Sir, that the views of the future of the upcoming election will be a lot of promises of things for nothing, and I would hope, Sir, that none of the Members here with us today will not fall into that class, in order to attempt to ensure that they will be returned to promise something to John public for nothing.

One of the biggest problems facing mankind today is, what do we do about necessary energy tomorrow? And the one thing that has baffled engineers more than anything else is to find that the human mind is the one instrument that can function on pure garbage alone. The second aspect, Sir, is that of the potential politician himself. We have one main advantage in this Assembly today, (at least this is my personal opinion) - and that the salaries associated with those persons serving their community today is so small that it does not increase their economic, and following that, social position.

And I do hope, Sir, that whether we are returned to this Assembly as a group. I do hope that the majority of persons being returned here will always continue to keep the enumerations associated with these seats to the point where a man off the street who has a good gift to gab, who can present himself verbally, who can present the man on the street with a lot of garbage, will not find himself in a position where he can escalate his social and economic position, not necessarily for the welfare of the country, but just for his own personal being.

This is a bit unfortunate, because one would expect that a good sensible community would make their decisions on the intelligence projected by the potential candidates. But as mentioned before, we have found that this is not necessarily so.

To carry on, Sir, I will say that I have enjoyed being a Member of this Assembly, I think I have enjoyed more so the fact that I have been privileged to go overseas as a representative of the Cayman Islands Government. I have been privileged to go overseas as a Member of the Commonwealth Parliamentary Association, I think this has done very much for me, it has broadened my experience, it has brought me in contact with some very intelligent persons, it has brought me in contact with some very good ideas, some that have helped me to appreciate the way that the people in many of the troubled Caribbean Islands think. But at that, I think that the future of the Commonwealth Parliamentary Association can be nothing but bettering the Members of the Assembly.

Lastly, Sir, but not least, I would like to join all of those who have congratulated the Clerk of the Legislative Assembly, Mrs. McLaughlin and her staff. I think, Sir, if the other Departments of Government were run with at least one-third of the efficiency that this Department has been run with, John public on the whole would be a lot happier.

I too, Sir, will have to join with those in appreciating the guidance that you have given us. I know that there have been times when I have voiced my personal opinions, which could have been quite upsetting to you personally, and I must appreciate the patience that you demonstrated with me. I thank you.

CAPT. K.P. TIBBETTS: Mr. President, I had not intended to say anything on this occasion, but apparently I am the last one of the Elected Members here today to say a few words in the closing of this Assembly.

Mr. President, I am sure that I am voicing the feelings of the people of the Cayman Islands, when I say that this Assembly has achieved more in four years than any other previous Assembly has done. I do not credit it all to any one Member, but I feel, Sir, with all respect, with your guidance, it has been really the means of a true success of this Assembly.

CAPT. K.P. TIBBETTS (CONTINUING: I have served my constituency for many years on different occasions, and I know that this is the least grumbles I have ever heard from my people in all of my years as their servant. It reminds me of when I was a teenager, we had a young fellow from home, he was not very bright, he was a member of the church, and in those days the churches used to have what they call anniversaries, programmes to raise a few extra shillings to help out with the cost. This young fellow was a schoolmate of mine, he tried to recite a recitation on the platform that night and he made such a mess of it that no one ever thought applauded him.

In those days whenever a child recited or had a part in a dialogue or some song there was always an applause, this poor fellow did not get any. And it was one of the last items on the programme, so when it was over he came walking out of the church door and stood up on the step - those were the days of suspenders, he pushed his thumb in his suspenders and said, "I do not know what happened, nobody never clapped their hands for me, but I think I did dam well", and that is how I feel about this Assembly. I think we have done well, and I will give the majority the credit to you, and I cannot close without applauding and agreeing with the other Members of the competence and the efficiency of the staff of this Assembly.

I know, Sir, that you have borne with us on occasions that I wondered where your patience came from. But I am hoping and I am trusting that you are still going to have some more patience and serve with the coming Assembly for at least a year or two, and if I am elected I would like to know that you will be our leader for the next four years along with us. And I would also like to wish the very best for you and your family, and if I am not back here to see you again, I will say on behalf of the people that we will miss you once you leave these Islands. Thank you.

MR. PRESIDENT: If there are no further speakers it remains for me to put the question. The question is that this House do now adjourn.

QUESTION PUT: AGREED. THE HOUSE ADJOURNED AT 12:25 P.M. SINE DIE.

C A Y M A N I S L A N D S

LEGISLATIVE ASSEMBLY

FIRST MEETING OF THE LEGISLATIVE ASSEMBLY

AFTER THE GENERAL ELECTIONS

HELD ON

WEDNESDAY, 19TH NOVEMBER, 1980

10:00 A.M.

FIRST MEETING OF THE LEGISLATIVE ASSEMBLY

AFTER THE GENERAL ELECTIONS

WEDNESDAY, 19TH NOVEMBER, 1980 - 10:00 A.M.

Pursuant to Proclamation No. 10 of 1980 by His Excellency Thomas Russell, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, given on the 2nd day of October, 1980, the Legislative Assembly met on WEDNESDAY the 19th of November, 1980 at 10:00 a.m.

PRESENT

HIS EXCELLENCY THE GOVERNOR, MR. THOMAS RUSSELL, C.M.G. - PRESIDENT

OFFICIAL MEMBERS

THE HONOURABLE DENNIS HALEY FOSTER, M.B.E., J.P.	*FIRST OFFICIAL MEMBER*
THE HONOURABLE DAVID ROBERT BARWICK, C.B.E., Q.C.	*SECOND OFFICIAL MEMBER*
THE HONOURABLE VASSEL GODFREY JOHNSON, C.B.E., J.P.	*THIRD OFFICIAL MEMBER*

ELECTED MEMBERS

FIRST ELECTORAL DISTRICT, WEST BAY

MR. JOHN GARSTON SMITH	*FIRST ELECTED MEMBER*
MR. DUNSTAN DALMAIN EBANKS	*SECOND ELECTED MEMBER*
MR. BENSON OBADIAH EBANKS	*THIRD ELECTED MEMBER*

SECOND ELECTORAL DISTRICT, GEORGE TOWN

MR. WILLIAM NORMAN BODDEN, M.B.E.	*FIRST ELECTED MEMBER*
MR. TRUMAN MURRAY BODDEN	*SECOND ELECTED MEMBER*
MISS ANNIE HULDAH BODDEN, O.B.E.	*THIRD ELECTED MEMBER*

THIRD ELECTORAL DISTRICT, LESSER ISLANDS

CAPT. CHARLES LEONARD KIRKCONNELL	*FIRST ELECTED MEMBER*
CAPT. MABRY SALISBURY KIRKCONNELL	*SECOND ELECTED MEMBER*

FOURTH ELECTORAL DISTRICT, BODDEN

MR. JAMES MANOAH BODDEN	*FIRST ELECTED MEMBER*
MR. GEORGE HAIG BODDEN	*SECOND ELECTED MEMBER*

FIFTH ELECTORAL DISTRICT, NORTH SIDE

MR. CRADDOCK EBANKS, J.P.

SIXTH ELECTORAL DISTRICT, EAST END

MR. JOHN BONWELL McLEAN

ORDERS OF THE DAY

FIRST MEETING OF THE LEGISLATIVE ASSEMBLY
AFTER THE GENERAL ELECTIONS

WEDNESDAY, 19th NOVEMBER, 1980 - 10 a.m.

1. *PRAYERS BY THE REV. RALPH PICKERING*

2. *CLERK READS THE PROCLAMATION BY THE GOVERNOR SUMMONING A SESSION OF THE LEGISLATIVE ASSEMBLY*

3. *OATHS ADMINISTERED TO MEMBERS BY THE CLERK OF THE LEGISLATIVE ASSEMBLY*

4. *ELECTION OF FOUR MEMBERS TO THE EXECUTIVE COUNCIL (STANDING ORDER 5)*

SUSPENSION OF THE HOUSE FOR FIFTEEN MINUTES

5. *GOVERNMENT BUSINESS: -*

(a) PUBLIC ACCOUNTS COMMITTEE
GOVERNMENT MOTION NO.1
TO BE MOVED BY THE FINANCIAL SECRETARY, HON.V.G.JOHNSON
THIRD OFFICIAL MEMBER

(b) STANDING BUSINESS COMMITTEE
GOVERNMENT MOTION NO.2
TO BE MOVED BY HON. D. H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

(c) STANDING HOUSE COMMITTEE
GOVERNMENT MOTION NO.3.
TO BE MOVED BY HON. D. H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

(d) CINEMATOGRAPH AUTHORITY
GOVERNMENT MOTION NO. 4
TO BE MOVED BY HON. D. H. FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

(e) LIQUOR LICENSING BOARDS, CAYMAN ISLANDS
GOVERNMENT MOTION NO.5.
TO BE MOVED BY HON.D.H.FOSTER (LEADER OF GOVERNMENT BUSINESS)
FIRST OFFICIAL MEMBER

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FIRST MEETING OF THE LEGISLATIVE ASSEMBLY

AFTER THE GENERAL ELECTIONS

WEDNESDAY, 19TH NOVEMBER, 1980

10:00 A.M.

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

PRAYERS

REV. RALPH PICKERING: *Let us pray.*

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour, and welfare of the people of these Islands.

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales and all the Royal Family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Members of Executive Council and Members of the Legislative Assembly that they may be enabled faithfully to perform the responsible duties of their high office.

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

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

MR. PRESIDENT: *Please be seated.*

CLERK READS PROCLAMATION: *"PROCLAMATION NO. 10 OF 1980*
BY HIS EXCELLENCY THOMAS RUSSELL,
Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

WHEREAS by subsection (1) of section 46 of the Constitution of the Cayman Islands it is provided that the Sessions of the Legislative Assembly shall be held at such places and begin at such times as the Governor may from time to time by Proclamation appoint:

NOW, THEREFORE, I, THOMAS RUSSELL, Companion of the Most Distinguished Order of St. Michael and St. George, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN that a Session of the Legislative Assembly of the Cayman Islands shall be held at the Legislative Assembly Building in George Town, Grand Cayman, at 10 a.m. on Wednesday, the 19th day of November, 1980.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman this 2nd day of October in the Year of Our Lord One Thousand Nine Hundred and Eighty in the Twenty Ninth Year of the reign of Her Majesty Queen Elizabeth II.

GOD SAVE THE QUEEN".

MR. PRESIDENT: I should make it clear that I have appointed the Clerk under section 44 of the Constitution to administer the Oaths. Would Members please stand, members of the public as well as Members in the Chamber?

OATHS AND AFFIRMATIONS were administered by the Clerk and were subscribed and affirmed to as follows:-

OFFICIAL MEMBERS

DENNIS HALEY FOSTER	OATH OF ALLEGIANCE
DAVID ROBERT BARWICK	OATH OF ALLEGIANCE
VASSEL GODFREY JOHNSON	OATH OF ALLEGIANCE

ELECTED MEMBERS

FIRST ELECTORAL DISTRICT, WEST BAY

JOHN GARSTON SMITH	OATH OF ALLEGIANCE
DUNSTAN DALMAIN EBANKS	AFFIRMATION
BENSON OBADIAH EBANKS	OATH OF ALLEGIANCE

SECOND ELECTORAL DISTRICT, GEORGE TOWN

WILLIAM NORMAN BODDEN	AFFIRMATION
TRUMAN MURRAY BODDEN	OATH OF ALLEGIANCE
ANNIE HULDAH BODDEN	AFFIRMATION

THIRD ELECTORAL DISTRICT, LESSER ISLANDS

CHARLES LEONARD KIRKCONNELL	OATH OF ALLEGIANCE
MABRY SALISBURY KIRKCONNELL	OATH OF ALLEGIANCE

FOURTH ELECTORAL DISTRICT, BODDEN TOWN

JAMES MANOAH BODDEN	AFFIRMATION
GEORGE HAIG BODDEN	OATH OF ALLEGIANCE

FIFTH ELECTORAL DISTRICT, NORTH SIDE

CRADDOCK EBANKS	OATH OF ALLEGIANCE

SIXTH ELECTORAL DISTRICT, EAST END

JOHN BONWELL McLEAN	AFFIRMATION

MR. PRESIDENT: Please be seated.

ELECTION OF FOUR MEMBERS TO THE EXECUTIVE COUNCIL (STANDING ORDER 5)

MR. PRESIDENT: We proceed next to the election of Members to the Executive Council. This is governed by section 5 (b) of the Constitution, and Standing Order No. 5.

I propose, if there is no objection from the floor, to appoint the Chief Secretary and the Financial Secretary as scrutineers to assist the Clerk with her duties.

MR. PRESIDENT (CONTINUING): I am now going to call for nominations to Executive Council by voice, and there needs to be a proposer and a seconder. I call for nominations.

JOHN BONWELL McLEAN	MOVED BY MR. CRADDOCK EBANKS SECONDED BY MR. G. HAIG BODDEN
WILLIAM NORMAN BODDEN	MOVED BY CAPT. CHARLES L. KIRKCONNELL SECONDED BY CAPT. MABRY S. KIRKCONNELL
TRUMAN MURRAY BODDEN	MOVED BY MR. D. DALMAIN EBANKS SECONDED BY MR. JOHN B. McLEAN
CHARLES LEONARD KIRKCONNELL	MOVED BY CAPT. MABRY S. KIRKCONNELL SECONDED BY MISS ANNIE HULDAH BODDEN
GEORGE HAIG BODDEN	MOVED BY MR. J. GARSTON SMITH SECONDED BY MR. JAMES M. BODDEN
JAMES MANOAH BODDEN	MOVED BY MR. JOHN B. McLEAN SECONDED BY MR. TRUMAN M. BODDEN
BENSON OBADIAH EBANKS	MOVED BY MISS ANNIE HULDAH BODDEN SECONDED BY MR. W. NORMAN BODDEN
DUNSTAN DALMAIN EBANKS DECLINED	MOVED BY MR. BENSON O. EBANKS
JOHN GARSTON SMITH DECLINED	MOVED BY CAPT. MABRY S. KIRKCONNELL

MR. PRESIDENT: Are there any further nominations?

MOTION THAT NOMINATIONS BE CLOSED: MOVED BY CAPT. CHARLES L. KIRKCONNELL
SECONDED BY MR. JOHN B. McLEAN.

QUESTION PUT: AGREED. NOMINATIONS WERE CLOSED.

MR. PRESIDENT: Perhaps the Clerk can pass me the list of persons nominated.

Mr. John Bonwell McLean, are you prepared to accept nomination?

MR. JOHN BONWELL McLEAN: I am, Mr. President.

MR. PRESIDENT: Mr. William Norman Bodden, are you prepared to accept nomination?

MR. WILLIAM NORMAN BODDEN: I am, Mr. President.

MR. PRESIDENT: Mr. Truman Murray Bodden, are you prepared to accept nomination?

MR. TRUMAN MURRAY BODDEN: I am, Sir.

MR. PRESIDENT: Capt. Charles Leonard Kirkconnell, are you prepared to accept nomination?

CAPT. CHARLES LEONARD KIRKCONNELL: I am, Sir.

MR. PRESIDENT: Mr. George Haig Bodden, are you prepared to accept nomination?

MR. GEORGE HAIG BODDEN: I am, Sir.

MR. PRESIDENT: Mr. James Manoah Bodden, are you prepared to accept nomination?

MR. JAMES MANOAH BODDEN: Yes, Sir!

MR. PRESIDENT: Mr. Benson Obadiah Ebanks, are you prepared to accept nomination?

MR. BENSON OBADIAH EBANKS: I am, Mr. President.

MR. PRESIDENT: At this stage the Clerk will prepare the ballot papers.

I will explain the proceedings. The ballot papers will be circulated only to Elected Members of the House. They will be checked by the scrutineers that they contain all the names; one ballot paper will be distributed by the Serjeant-at-Arms together with one pencil to each of the Members. I will then ask Members to record their votes, and they should place a cross against up to four (4) names on the ballot paper. That should produce at least the first run of persons appointed to Executive Council.

I will suspend proceedings for ten minutes until the ballot papers are prepared. Members can either remain in the Chamber or they can pass outside. I suggest members of the public remain in their places.

THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED

BALLOT PAPERS WERE DISTRIBUTED BY THE SERJEANT-AT-ARMS.

MR. JAMES M. BODDEN: Mr. President, I could not see whether the box was completely empty. I asked him to bring it closer over here, Sir.

BALLOT PAPERS WERE COLLECTED BY THE SERJEANT-AT-ARMS IN THE BALLOT BOX.

MR. PRESIDENT: The scrutineers can help with this if they wish.

THE CLERK CALLED THE COUNT.

FIRST COUNT

	NAMES	TOTAL VOTES
1.	JOHN BONWELL McLEAN	11
2.	TRUMAN MURRAY BODDEN	7
3.	GEORGE HAIG BODDEN	6
4.	JAMES MANOAH BODDEN	7
5.	WILLIAM NORMAN BODDEN	5
6.	CHARLES LEONARD KIRKCONNELL	6
7.	BENSON OBADIAH EBANKS	5

DECLARATION OF FIRST ELECTED MEMBER TO EXECUTIVE COUNCIL

MR. PRESIDENT: The results of the ballot are as follows:-

MR. JOHN BONWELL McLEAN is returned as the First Elected Member with 11 VOTES

MR. TRUMAN MURRAY BODDEN and MR. JAMES MANOAH BODDEN are returned with an equality of votes - 7 VOTES EACH

We will settle by later ballot which is Second and which is the Third Elected Member.

MR. PRESIDENT (CONTINUING): For the Fourth place there is a tie - 6 VOTES EACH between CAPT. CHARLES LEONARD KIRKCONNELL and MR. GEORGE HAIG BODDEN

so that the second ballot will be held for the Fourth place on Executive Council between CAPT. CHARLES LEONARD KIRKCONNELL and MR. GEORGE HAIG BODDEN.

MR. JAMES M. BODDEN: Mr. President, could we have a re-count please, Sir?

MR. PRESIDENT: Can the Clerk proceed with a re-count? Has that got the support of other Members?

QUESTION PUT: AGREED.

MR. CRADDOCK EBANKS: I support that.

MR. PRESIDENT: Can the Clerk take a re-count please?

THE CLERK CALLED THE RE-COUNT.

RE-COUNT

NAMES	TOTAL VOTES
1. JOHN BONWELL McLEAN	11
2. TRUMAN MURRAY BODDEN	7
3. GEORGE HAIG BODDEN	6
4. JAMES MANOAH BODDEN	7
5. WILLIAM NORMAN BODDEN	5
6. CHARLES LEONARD KIRKCONNELL	6
7. BENSON OBADIAH EBANKS	5

MR. PRESIDENT: The previous results are confirmed. The voting runs as follows:-

MR.	JOHN BONWELL McLEAN	11 VOTES
MR.	JAMES MANOAH BODDEN	7 VOTES
MR.	TRUMAN MURRAY BODDEN	7 VOTES
MR.	GEORGE HAIG BODDEN	6 VOTES
CAPT.	CHARLES LEONARD KIRKCONNELL	6 VOTES
MR.	WILLIAM NORMAN BODDEN	5 VOTES
MR.	BENSON OBADIAH EBANKS	5 VOTES

MR. JOHN BONWELL McLEAN IS THEREFORE RETURNED AS FIRST ELECTED MEMBER.

MR. TRUMAN MURRAY BODDEN AND MR. JAMES BODDEN are both returned as Members of Executive Council - their places to be determined by a later ballot.

There is a tie for Fourth place in Executive Council between CAPT. CHARLES LEONARD KIRKCONNELL and MR. GEORGE HAIG BODDEN, and the second ballot will now take place.

I will suspend proceedings until the ballot paper is ready.

THE HOUSE WAS SUSPENDED

THE HOUSE RESUMED

MR. PRESIDENT: This is the ballot for the Fourth Member of Executive Council.

BALLOT FOR FOURTH PLACE IN EXECUTIVE COUNCIL

RESULT

MR.	GEORGE HAIG BODDEN	7 VOTES
CAPT.	CHARLES LEONARD KIRKCONNELL	5 VOTES

NOISE FROM GALLERY

MR. PRESIDENT: Can I have silence please? The results of the ballot are:-

MR.	GEORGE HAIG BODDEN	7 VOTES
CAPT.	CHARLES LEONARD KIRKCONNELL	5 VOTES

MR. GEORGE HAIG BODDEN IS THEREFORE RETURNED AS THE FOURTH ELECTED MEMBER OF EXECUTIVE COUNCIL.

We have a tie for the Second and Third places between MR. TRUMAN MURRAY BODDEN and MR. JAMES MANOAH BODDEN. Although this is not in accordance with the Constitution, (it is not necessary under the Constitution to have First, Second, Third and Fourth Elected Members) it is local practice, and it is in accordance with Standing Orders, so the ballot will now take place to determine which are the SECOND and THIRD Members.

MR. JAMES M. BODDEN: Mr. President, I would like to give up whatever rights there are to that, and be the Fourth Elected Member.

MR. PRESIDENT: I think we should follow procedure.

BALLOT FOR SECOND AND THIRD PLACES IN EXECUTIVE COUNCIL

NOISE FROM GALLERY

MR. PRESIDENT: I again call for silence during proceedings.

THE RESULTS OF THE BALLOT WERE:-

MR.	TRUMAN MURRAY BODDEN	8 VOTES	
MR.	JAMES MANOAH BODDEN	3 VOTES	1 SPOILT BALLOT

MR. PRESIDENT: The result of the ballot is:-

MR.	TRUMAN MURRAY BODDEN	8 VOTES	
MR.	JAMES MANOAH BODDEN	3 VOTES	1 SPOILT BALLOT PAPER

so MR. TRUMAN MURRAY BODDEN becomes the SECOND ELECTED MEMBER; MR. JOHN BONWELL McLEAN, of course being the FIRST; MR. JAMES MANOAH BODDEN, THIRD ELECTED MEMBER, and MR. GEORGE HAIG BODDEN, FOURTH ELECTED MEMBER.

MR. JOHN BONWELL McLEAN	FIRST ELECTED MEMBER
MR. TRUMAN MURRAY BODDEN	SECOND ELECTED MEMBER
MR. JAMES MANOAH BODDEN	THIRD ELECTED MEMBER
MR. GEORGE HAIG BODDEN	FOURTH ELECTED MEMBER

That concludes the voting proceedings for Executive Council. I shall invite the four Members to take their seats on the Government Bench.

The four Elected Members of Executive Council, please take your seats.

ELECTED EXECUTIVE COUNCILLORS TAKE THEIR SEATS ON THE GOVERNMENT BENCH.

MR. PRESIDENT: I shall suspend proceedings at this stage for half an hour.

THE HOUSE WAS SUSPENDED AT 11:15 A.M.

AT 11:54 A.M. THE HOUSE RESUMED

MR. PRESIDENT: Proceedings are resumed.

GOVERNMENT MOTION NO. 1 - PUBLIC ACCOUNTS COMMITTEE

HON. V.G. JOHNSON: Mr. President, I beg to formally move Government Motion No. 1 seeking to establish a Public Accounts Committee of this Legislative Assembly. I will read the Resolve section of the Motion:-

"BE IT RESOLVED that this Legislative Assembly appoints a Standing Public Accounts Committee with the following terms of reference.

For the examination of the accounts showing the appropriation of the sums granted by the House to meet the public expenditure and of such other accounts laid before the Committee as the House may think fit.

BE IT FURTHER RESOLVED that five (5) Elected Members be appointed to the Committee with the above terms of reference and the term of office being the life of the House. The quorum shall be three members including the Chairman who shall be nominated by the Presiding Officer of the Legislative Assembly or otherwise by the Committee from among one of its members".

MR. PRESIDENT: The Motion is that - "five (5) Elected Members be appointed to the Public Accounts Committee with the terms of reference stated by the Honourable Financial Secretary, and the term of office is the life of this House. The quorum shall be three members including the Chairman who shall be nominated by the Presiding Officer of the Legislative Assembly or otherwise by the Committee from among one of its members".

The Motion is open for debate if anybody wishes to debate it, and also for nominations of the five (5) members.

QUESTION PROPOSED: DEBATE ENSUED.

HON. TRUMAN M. BODDEN: Mr. President, I think that he may well have to waive 25 (2) of the Standing Orders as there is not sufficient time, but you do have that power there in exceptional circumstances, which undoubtedly this would be because the time ..... Sorry, that related to an amendment. It is under 24 (5).

MR. PRESIDENT: In the circumstances I am prepared to let the Member proceed.

Is the Honourable Member proposing an amendment?

HON. TRUMAN M. BODDEN: No, Sir. I merely pointed out that the period of time required under the Standing Orders, Sir, had not been complied with and out of an abundance of caution it may have been better for the Member to suspend that specific Standing Order. I did originally give you the amendment part.

MR. PRESIDENT: Are there any nominations for this Committee?

MR. CRADDOCK EBANKS: Mr. President, I beg to nominate the Hon. Truman M. Bodden.

HON. JAMES M. BODDEN: I second that, Sir.

MR. D. DALMAIN EBANKS: Mr. President, I nominate Mr. Craddock Ebanks.

HON. JAMES M. BODDEN: I second that, Sir.

HON. JOHN B. McLEAN: Mr. President, I beg to nominate Mr. Garston Smith.

MR. CRADDOCK EBANKS: Mr. President, I beg to second that, Sir.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I beg to nominate Mr. Benson Ebanks.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I beg to second that.

HON. TRUMAN M. BODDEN: Mr. President, I nominate the Hon. John McLean.

HON. G. HAIG BODDEN: Mr. President, I second that.

MR. J. GARSTON SMITH: Mr. President, I beg to nominate Capt. Charles Kirkconnell.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I would like to decline, Sir.

MISS ANNIE H. BODDEN: Mr. President, I would like to nominate Mr. Norman Bodden.

MR. BENSON O. EBANKS: I second that nomination, Mr. President.

HON. JAMES M. BODDEN: Mr. President, I move that nominations cease.

MR. CRADDOCK EBANKS: I beg to second that, Sir.

MR. PRESIDENT: It has been put that nominations be closed

QUESTION PUT: AGREED. NOMINATIONS WERE CLOSED.

MR. PRESIDENT: We have six (6) nominations:-

HON. TRUMAN M. BODDEN
MR. CRADDOCK EBANKS
MR. J. GARSTON SMITH
MR. BENSON O. EBANKS
HON. JOHN B. McLEAN
MR. W. NORMAN BODDEN.

The Motion calls for five (5) Members to be elected. Unless anyone wishes to withdraw to make the number an even five (5), I will have to put the question on each name. I will put the question on the names in the order in which they have been nominated.

QUESTION PUT ON NOMINATIONS:

HON. TRUMAN M. BODDEN	AYE
MR. CRADDOCK EBANKS	AYE
MR. J. GARSTON SMITH	AYE
MR. BENSON O. EBANKS	AYES AND NOES -

MR. CRADDOCK EBANKS: Mr. President, I would like a count on that, Sir, by the show of hands.

MR. PRESIDENT: I will ask the Clerk to take the count.

DIVISION

	AYES	NOES	ABSTENSIONS
Hon. D.H. Foster			1
Hon. D.R. Barwick			1
Hon. V.G. Johnson			1
Hon. John B. McLean		1	
Hon. Truman M. Bodden		1	
Hon. James M. Bodden		1	
Hon. G. Haig Bodden		1	
Mr. J. Garston Smith		1	
Mr. D. Dalmain Ebanks		1	
Mr. Benson O. Ebanks		1	
Mr. W. Norman Bodden			1
Miss Annie H. Bodden	1		
Capt. Charles L. Kirkconnell	1		
Capt. Mabry S. Kirkconnell	1		
Mr. Craddock Ebanks		1	
	3	8	4

MR. PRESIDENT: The question was resolved -
No - 8 voices
Aye - 3 voices
Abstensions - 4 voices

We are left therefore with Hon. John B. McLean and Mr. W. Norman Bodden, making up a total of five (5). I do not think we need go to the vote on the last two as we have now got five (5) members for the Committee.

I will now put the question that the resolution be approved by the Assembly with the five (5) members of the Committee -

HON. TRUMAN M. BODDEN
MR. CRADDOCK EBANKS
MR. J. GARSTON SMITH
HON. JOHN B. McLEAN
MR. W. NORMAN BODDEN.

QUESTION PUT: AGREED.

MR. PRESIDENT: I shall not nominate a Chairman for the Committee and will leave the Committee itself to decide who should be Chairman of its Committee.

QUESTION PUT: AGREED. MOTION WAS PASSED.

GOVERNMENT MOTION NO. 2 - STANDING BUSINESS COMMITTEE

HON. D.H. FOSTER: Mr. President, I move Government Motion No. 2 seeking to establish a Standing Business Committee. I will read the Resolve section, Sir -

"BE IT RESOLVED that this Legislative Assembly appoints a Standing Business Committee with the following terms of reference -

(a) To decide and inform the Clerk on Tuesday of each week the order in which private Members' Motions will be debated on each Thursday.

(b) To decide and to inform the Clerk two clear days before each Question Day the Questions to be put down for reply on the Order Paper.

HON. D.H. FOSTER (CONTINUING):

(c) To provide a ready means of consultation between Members of the Assembly who are not Members of the Executive Council, and the Leader of Government Business, Clerk or Presiding Officer.

(d) To agree, after consultation with all Members of the Assembly who are not Members of Executive Council, in consultation with the Leader of Government Business any limitation of time for debates on the second reading of the annual Appropriation Bill, the Throne Speech or other similar Business and to inform the Clerk accordingly.

BE IT FURTHER RESOLVED that this Standing Business Committee be comprised of five Members, other than Members of the Executive Council, one of whom they will elect as Chairman and one as Deputy Chairman;

AND BE IT FURTHER RESOLVED that the quorum will be set at 3 members to include the Chairman or Deputy Chairman and the Committee would meet each Monday during sittings of the House and as called by the Chairman or at the request of the Clerk".

MR. PRESIDENT: The question is - "that this Legislative Assembly resolves to appoint a Standing Business Committee with the terms of reference read out by the Honourable Member introducing the Motion.

BE IT FURTHER RESOLVED that this Standing Business Committee be comprised of five Members, other than Members of the Executive Council, one of whom they will elect as Chairman and one as Deputy Chairman;

AND BE IT FURTHER RESOLVED that the quorum will be set at 3 members to include the Chairman or Deputy Chairman and the Committee would meet each Monday during sittings of the House and as called by the Chairman or at the request of the Clerk".

The Motion is open for debate, and for nominations.

QUESTION PROPOSED:

HON. TRUMAN M. BODDEN: Mr. President, under Standing Order 25 (2), I wish to propose an amendment to that Motion, but firstly I invite you to permit an amendment to this Motion under Standing Order 25 (2) due to the exceptional circumstances, namely that the resolution was only received yesterday, it therefore makes compliance with the said Standing Order impossible.

MR. PRESIDENT: I can authorize this under Standing Order 25 (2), and I am prepared to do so under the circumstances.

HON. TRUMAN M. BODDEN: Yes, Sir. I have several amendments and I would prefer to put these separately because they are not specifically together, and the first amendment is that the paragraph lettered "(d)" be deleted in its entirety. The reason for this, Mr. President, is - and I would just like to read this again. It says -

"To agree, after consultation with all Members of the Assembly who are not Members of Executive Council, in consultation with the Leader of Government Business any limitation of time for debates on the second reading of the annual Appropriation Bill, the Throne Speech or other similar Business and to inform the Clerk accordingly".

HON. TRUMAN M. BODDEN (CONTINUING): You, Mr. President, have considerable authority and discretion under the Standing Orders, where I feel that you can very aptly deal with any lengthy deliberations or any irrelevancies of deliberation. And I feel that this, Sir - to deprive Members to run the full period of their debates other than what you may wish to deprive or to curtail would not be in accordance with the normal democratic principles. So I am asking that that be removed, because it is extremely wide and the Committee could, in fact, under this decide to limit debate, for instance, on the Throne Speech to one minute. On that basis I would ask the House to support a removal of that.

MR. PRESIDENT: It has been proposed that the Motion be amended by the deletion of - "(d)" beginning with the words, "To agree," and finishing "inform the Clerk accordingly".

Does anyone wish to speak on this amendment?

QUESTION PROPOSED: DEBATE ENSUED.

HON. G. HAIG BODDEN: I, Mr. President, would like to endorse the words of the Second Elected Member of Executive Council. I remember listening on the radio to the debate in the United States Senate during the impeachment hearing on Richard Nixon, and this debate was limited to a short three or five minutes, and I remember one Member of that House having difficulty in even getting his introduction across. And bearing in mind the propensity of a few of the Members of this House, particularly the Bodden Town Members, to talk for long periods of time, if a limitation is put on us, we would be seriously curtailed in our deliberations, and I should not like to see a limitation on debates be put in the hands of a committee.

If, for any reason the Chair feels that a debate should come to an end, well it should come to an end, and I think the Standing Orders further provide that a Member may ask at any time that the question be put, which would result in the closure of the debate.

I fully support the amendment put forward by the Member, and I would hope that it can receive a majority support in the House.

MR. CRADDOCK EBANKS: Mr. President, I too want to associate myself with this section. During my few weeks of campaigning I used the word 'freedom' on many occasions as a privilege to the people of this Island, and one of those privileges was a freedom of speech, and I am not prepared to go along with the curtailing or the reducing of time when Members are speaking. You have the reserved powers and you have guidance that when you feel that a Member has debated the one subject, or an item long enough without repeating himself over and over, I feel, Sir, that the respect that has been shown to this House, and you as President, Sir, will humbly obey and shorten the address.

So I am looking forward, Sir, to this not being introduced as a time limit, because I will not give it any support, Sir.

MR. BENSON O. EBANKS: Mr. President, I see the opposite side of the penny in this proposed amendment. It has been pointed out that Standing Orders provide that a motion be put that the question be put, which means that debate could be cut off, and I think that this provision - "(d)" is to ensure that Members know in advance the limitation, if any, that would be put on a debate. I think this provision is still found in the Standing Orders of the House of Commons, the Mother of Parliament, and I am wondering whether to delete this section would not work against the freedom of expression rather than encourage it for this reason which I have stated.

The provision, as I see it, calls for any limitation to be done after consultation with all Members of the Assembly other than Members of Executive Council, but with consultation of the Leader of Government Business. So it would seem that a reasonable committee would give reasonable time, and without this provision it would be possible for a Government Member, for example, to get up and move the motion that the question be put and thereby cut off debate on very important matters.

MR. PRESIDENT: Are there any other speakers to the amendment? Does the Honourable Member wish to reply?

HON. TRUMAN M. BODDEN: Mr. President, there is a very serious distinction between Standing Order 38 (1) "That the question be now put". The difference is this, when the question is put, it is at that stage a decision of a majority of this House as to whether the debate be closed. Under this motion what it seeks to do is to limit a minority of Members within this House to put a closing period on a debate. Secondly, Sir, the part in the Government Motion No. 2 is by no means one which curtails the powers of this House under 38 (1), so it is in addition to rather than in subtraction from it, and really in no way does it affect Standing Order 38 (1), which deals with closure.

So what I would ask Members to bear in mind is that the Motion would seek to have what may be a minority make a decision, which would, I think, affect the freedom of speech of the majority and it does not detract from Standing Order 38 (1), which is the closure Standing Order. So I would ask them to bear that in mind, Sir, when voting on this.

MR. PRESIDENT: I will put the question on the deletion of sub-paragraph "(d)" from the resolution.

QUESTION PUT ON PROPOSED AMENDMENT: AYES AND NOES.

MR. PRESIDENT: I think the Ayes have it.

MISS ANNIE H. BODDEN: Let us have a division please, Sir?

MR. PRESIDENT: Pardon?

MISS ANNIE H. BODDEN: May we have a division on the votes please?

MR. PRESIDENT: Will the Clerk take a division please?

DIVISION

	AYES	NOES
Hon. D.H. Foster	1	
Hon. D.R. Barwick	1	
Hon. V.G. Johnson	1	
Hon. John B. McLean	1	
Hon. Truman M. Bodden	1	
Hon. James M. Bodden	1	
Hon. G. Haig Bodden	1	
Mr. J. Garston Smith	1	
Mr. D. Dalmain Ebanks	1	
Mr. Benson O. Ebanks		1
Mr. W. Norman Bodden		1
Miss Annie H. Bodden		1
Capt. Charles L. Kirkconnell	1	
Capt. Mabry S. Kirkconnell	1	
Mr. Craddock Ebanks	1	
	12	3

MR. PRESIDENT: The result is -
12 voices for
3 voices against
and therefore sub-paragraph "(d)" will be deleted.

QUESTION PUT THAT SUB-PARAGRAPH "(d)" BE DELETED: AGREED.

MR. PRESIDENT: Has the Honourable Member a further amendment to the Motion to suggest?

HON. TRUMAN M. BODDEN: Mr. President, I once again ask you to exercise your discretion under Standing Order 25 (2) in regard to the lack of two days' notice.

MR. PRESIDENT: So obliged.

HON. TRUMAN M. BODDEN: I move that the words, I quote - "other than Members of the Executive Council" and the comma "(,)" immediately following thereafter be deleted from the Motion where it appears in the second Resolve paragraph, which begins - "BE IT FURTHER RESOLVED".

MR. PRESIDENT: It has been moved that the Motion be further amended in the first resolution clause by deleting the words -

"other than Members of the Executive Council,".

The Motion is open for debate unless the Honourable Member wishes to explain further the reasons.

HON. D.H. FOSTER: Mr. President, I should point out, Sir, that this Standing Business Committee is for fixing the Business for Private Members, not Government Members. As Leader of Government Business, I liaise with them and if you take that out, then it kills the whole Committee.

HON. G. HAIG BODDEN: Mr. President, I realize that this Committee will decide in what order Private Members' Motions will be debated on each Thursday in the House. Nevertheless, I feel at least one Executive Council Member should be included in this Committee, because the Private Members' Motions are bound to deal with matters pertaining to the portfolios of Executive Council Members, and there may be some reason or other why there should be special arrangements concerning the debate. For example, you could have two Motions on the same day that were closely allied, and because of that in the interest of easy understanding it might be necessary to debate a particular Motion before some other Motion.

On the other hand, there may be some reason why the Executive Council Member concerned with the special issue before the House might have to be absent, say in the morning session or the evening session, and it would be impossible for the other Members of the House to know this. And, although a Motion is brought by a Private Member, this Motion, if carried, will not only require the sanctions of Executive Council Members, but for anything to result from the Motion which is passed, it would need at least the direct intervention of an Executive Council Member for its implementation.

What I am saying is that suppose a Private Member's Motion dealt with the matter of putting in a new road, or even cutting the Island in two. If such a Motion is passed by the House, an Executive Council Member would afterwards, whether he agreed with it or not, become involved in the carrying out of the action.

So I cannot see any reason for excluding Executive Council Members from such an important Committee, a Committee that will establish the precedence of the order in which the debate will flow in the House, and I would certainly support the Second Elected Member in allowing at least one Executive Council Member to be a part of the Standing Business Committee.

MR. PRESIDENT: Are there any other speakers to this proposed amendment?

HON. DAVID R. BARWICK: I rise, Sir, with your permission to say that I endorse the view taken of the Standing Business Committee by my friend, the First Official Member. It seems to me that this Committee is essentially a Committee to which the non-Members of the Executive Council, it is for them, and I can call them the Private Members, the functions of the Committee are to

HON. DAVID R. BARWICK (CONTINUING): put their Motions into order, to arrange the order in which the Questions are dealt with, and to provide a means of communication between the Private Members and the Members of the Executive Council.

The channel for putting the views of the Executive Council is the Leader of Government Business, and any matters affecting the various portfolios, he should be appraised of, he should put the points that the Executive Members wish to put, and they should be discussed then with the Members of this Committee, who are essentially, as I see it, for the purpose of presenting the views of the Members of this House who are not also Members of the Executive Council.

MR. PRESIDENT: If there are no other speakers, I will put the question on the deletion of the words - "other than Members of the Executive Council," in the first resolved clause in the Motion.

QUESTION PUT ON PROPOSED AMENDMENT: AYES AND NOES.

MR. PRESIDENT: I think the Noes have it, so the words stand as part of the resolution.

HON. TRUMAN M. BODDEN: In which case, Sir, I have as a result of that two further amendments to put, but I will put these jointly as they are related. The first is that the word "five" where it appears before the word "Members" in the second line after the paragraph lettered "(d)" be deleted, and the word "three" be substituted therefor; and secondly, that in the last paragraph, the number "3" be deleted and the number "2" be substituted therefor.

MR. PRESIDENT: Do I take it that the Honourable Member is limiting the membership of the Committee to 'three' including a Chairman and Deputy Chairman?

HON. TRUMAN M. BODDEN: Would you just repeat that please?

MR. PRESIDENT: I am asking if the Member is proposing that the Standing Business Committee comprise three Members only, including a Chairman and Deputy Chairman, so it is Chairman, Deputy Chairman, plus one Member and a quorum of two?

The Motion is as stands be amended by substituting "three" for "five" in the second line of the first resolution clause; and two, for "3" members in the second line of the second resolution clause, giving the effect of a Committee total - "three" in membership, including a Chairman and Deputy Chairman with a quorum of two.

If there are no speakers, I will put the question on the amendment.

QUESTION PUT ON PROPOSED AMENDMENT: AYES AND NOES.

MR. PRESIDENT: I think the Noes have it.

HON. TRUMAN M. BODDEN: May I have a division on it please?

DIVISION

	AYES	NOES	ABSTENSIONS
Hon. D.H. Foster		1	
Hon. D.R. Barwick			1
Hon. V.G. Johnson		1	
Hon. John B. McLean	1		
Hon. Truman M. Bodden	1		
Hon. James M. Bodden	1		
Hon. G. Haig Bodden	1		
Mr. J. Garston Smith	1		
Mr. D. Dalmain Ebanks	1		
Mr. Benson O. Ebanks		1	
Mr. W. Norman Bodden		1	
Miss Annie H. Bodden		1	
Capt. Charles L. Kirkconnell		1	
Capt. Mabry S. Kirkconnell		1	
Mr. Craddock Ebanks	1		
	7	7	1

MR. PRESIDENT: The result of the votes taken is -
7 for
7 against
which means I have to give my Casting Vote. I will do so in favour of the Motion as presented to preserve the status quo.
Are there any other amendments?
I think I will put the question first of all on the Motion as amended, and thereafter call for nominations.
The question is that the Motion as amended by the deletion of clause "(d)" including the words - "other than Members of the Executive Council," with a membership of "five" and a quorum of "3", (that is as a result of our deliberations) be passed.

QUESTION PUT ON MOTION AS AMENDED: AGREED. MOTION WAS PASSED.

MR. PRESIDENT: I will now call for nominations to this Committee with a membership of five.

HON. JOHN B. McLEAN: Mr. President, I beg to nominate Mr. Craddock Ebanks.

HON. JAMES M. BODDEN: Mr. President, I second that.

MR. J. GARSTON SMITH: Mr. President, I wish to nominate Mr. Dalmain Ebanks.

HON. TRUMAN M. BODDEN: I second that, Sir.
I nominate Mr. Norman Bodden.

HON. JOHN B. McLEAN: I second that, Mr. President.

MR. CRADDOCK EBANKS: Mr. President, I beg to nominate the Hon. John McLean.

MR. PRESIDENT: I am sorry. I think we have decided that Members of Executive Council should not be members of the Committee.

MR. CRADDOCK EBANKS: I apologise, Sir, I have not got settled in yet.

MR. BENSON O. EBANKS: I beg to nominate Capt. Charles Kirkconnell.

HON. JAMES M. BODDEN: Mr. President, I second that.

HON. D.H. FOSTER: Mr. President, I move that nominations be closed.

MR. PRESIDENT: It has been moved that the nominations be closed. Is there a seconder?

HON. JAMES M. BODDEN: I will second that, Mr. President.

QUESTION PUT: AGREED. NOMINATIONS WERE CLOSED.

MR. PRESIDENT: The membership of the Committee -

MR. CRADDOCK EBANKS
MR. D. DALMAIN EBANKS
MR. J. GARSTON SMITH
MR. W. NORMAN BODDEN and
CAPT. CHARLES L. KIRKCONNELL.

It lies with the Committee itself to appoint the Chairman and Deputy Chairman.

GOVERNMENT MOTION NO. 3 - STANDING HOUSE COMMITTEE

HON. D.H. FOSTER: Mr. President, I beg to move Government Motion No. 3 seeking to elect a Standing House Committee.

"BE IT RESOLVED that the Legislative Assembly appoints a Standing House Committee with the following terms of reference.

To make recommendations to the Assembly

(a) for any matters affecting the working conditions, comfort and facilities for Members during sittings of the Assembly;

(b) for any matters affecting the working conditions, comfort or facilities for the staff of the Assembly;

(c) for the operation and maintenance of the library of the Assembly and the provision of research facilities;

(d) for the maintenance, upkeep, furnishing and equipment of the Legislative Assembly Building.

BE IT FURTHER RESOLVED that this Standing Committee should be composed of five elected Members, one of whom will be elected by the Members as Chairman and one as Deputy Chairman;

AND BE IT FURTHER RESOLVED that the quorum would be three Members to include the Chairman or Deputy Chairman and that the Committee should meet at least once per meeting of the Assembly."

MR. PRESIDENT: The question is - "that this Legislative Assembly resolve to appoint a Standing House Committee with the terms of reference read out by the Honourable mover of the Motion and that it

BE FURTHER RESOLVED that the Standing Committee should be composed of five elected Members, one of whom will be elected by the Members as Chairman and one as Deputy Chairman;

AND BE IT FURTHER RESOLVED that the quorum would be three Members to include the Chairman or Deputy Chairman and that the Committee should meet at least once per meeting of the Assembly".

The Motion is open for debate and for nominations.

HON. JAMES M. BODDEN: I nominate the Hon. Haig Bodden.

HON. TRUMAN M. BODDEN: I second it, Sir.

MISS ANNIE H. BODDEN: I beg to nominate Mr. Benson Ebanks, Sir.

MR. W. NORMAN BODDEN: I second that, Sir.

MR. J. GARSTON SMITH: I beg to nominate the Hon. John McLean.

MR. D. DALMAIN BENAKS: Mr. President, I second that.

HON. JOHN B. McLEAN: Mr. President, I beg to nominate Mr. Craddock Ebanks.

MR. BENSON O. EBANKS: I will second that.

HON. JAMES M. BODDEN: Mr. President, I nominate Mr. Dalmain Ebanks.

MR. J. GARSTON SMITH: I beg to second that, Mr. President.

HON. G. HAIG BODDEN: Mr. President, I move that nominations be closed.

HON. D.H. FOSTER: I second that, Sir.

QUESTION PUT: AGREED. NOMINATIONS WERE CLOSED.

MR. PRESIDENT: There are five Members nominated -

HON. G. HAIG BODDEN
MR. BENSON O. EBANKS
HON. JOHN B. McLEAN
MR. CRADDOCK EBANKS
MR. D. DALMAIN EBANKS.

So I will put the question that the resolution as proposed be approved and that the five named Members be appointed as Members of the Standing House Committee.

QUESTION PUT: AGREED. MOTION WAS PASSED.

GOVERNMENT MOTION NO. 4 - CINEMATOGRAPH AUTHORITY

HON. D.H. FOSTER: Mr. President, I beg to move Government Motion No. 4 which seeks to establish a Cinematographic Authority -

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

BE IT RESOLVED that three (3) Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 19th November, 1980".

MR. PRESIDENT: The question is that -

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

BE IT RESOLVED that three (3) Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the 19th November, 1980".

MR. PRESIDENT (CONTINUING): The Motion is open for debate and for nominations.

HON. JAMES M. BODDEN: I nominate Mr. Craddock Ebanks, Sir.

MR. D. DALMAIN EBANKS: I second that, Sir.

MR. BENSON O. EBANKS: Mr. President, I would like to declare that I will not be partaking in this Motion as I have connections with a cinema.

MR. PRESIDENT: Thank you.

HON. JOHN B. McLEAN: Mr. President, I beg to nominate Mr. Dalmain Ebanks.

HON. TRUMAN M. BODDEN: I second that, Sir, and I beg to nominate the Hon. John McLean.

MR. PRESIDENT: Hon. McLean?

HON. TRUMAN M. BODDEN: Yes, Sir.

HON. JAMES M. BODDEN: I second that.

MR. W. NORMAN BODDEN: Mr. President, I nominate Mr. Garston Smith.

MR. D. DALMAIN EBANKS: I second that.

MR. PRESIDENT: That makes four nominations for three Members. Are there any other nominations?

HON. JOHN B. McLEAN: Mr. President, to save any problem I will withdraw.

MR. PRESIDENT: The question is that the Motion as presented be passed by the Assembly and that -

MR. CRADDOCK EBANKS
MR. D. DALMAIN EBANKS
MR. J. GARSTON SMITH

be Members of the Authority.

QUESTION PUT: AGREED. MOTION WAS PASSED.

MR. PRESIDENT: I shall nominate -

HON. JOHN B. McLEAN as the Governor's nominee.

GOVERNMENT MOTION NO. 5 -
LIQUOR LICENSING BOARDS OF GRAND CAYMAN AND THE LESSER ISLANDS

HON. D.H. FOSTER: Mr. President, I beg to move Government Motion No. 5 seeking to establish Liquor Licensing Boards for Grand Cayman and the Leeser Islands.

"WHEREAS it is now necessary for appointments to be made for the Liquor Licensing Boards of Grand Cayman and the Lesser Islands for the year 1981.

BE IT RESOLVED that three (3) Members be nominated by the Legislative Assembly for the LIQUOR LICENSING BOARD OF GRAND CAYMAN, and two (2) for the LIQUOR LICENSING BOARD OF THE LESSER ISLANDS."

MR. PRESIDENT: The Motion is -

"WHEREAS it is now necessary for appointments to be made for the Liquor Licensing Boards of Grand Cayman and the Lesser Islands for the year 1981.

BE IT RESOLVED that three (3) Members be nominated by the Legislative Assembly for the LIQUOR LICENSING BOARD OF GRAND CAYMAN, and two (2) for the LIQUOR LICENSING BOARD OF THE LESSER ISLANDS".

The Motion is open for debate and for nominations.

HON. JAMES M. BODDEN: Mr. President, I beg the House's indulgence to allow the same Board for

GRAND CAYMAN

MR. CRADDOCK EBANKS
MISS ANNIE H. BODDEN
MR. J. GARSTON SMITH

and for

CAYMAN BRAC and LITTLE CAYMAN

I would ask to nominate - CAPT. CHARLES L. KIRKCONNELL and CAPT. SEDLEY RITCH.

MISS ANNIE H. BODDEN: Mr. President, I beg to decline. I have no intention of serving on it.

HON. TRUMAN M. BODDEN: I will second all four of those - five - or whatever number it was. I think it was four.

MR. PRESIDENT: We have -

MR. CRADDOCK EBANKS
MR. GARSTON SMITH.

MISS ANNIE H. BODDEN has withdrawn, so we have two nominations for three places, and for the Lesser Islands, we have -

CAPT. CHARLES L. KIRKCONNELL and
CAPT. SEDLEY RITCH.

HON. JAMES M. BODDEN: I nominate Mr. Norman Bodden, Sir.

QUESTION PROPOSED: DEBATE ENSUED.

HON. D.H. FOSTER: Mr. President, I would like to point out that the two nominations for the Lesser Islands have to be from the Legislative Assembly. In Section 4 (3) and (4) of the Liquor Licensing Law it states that -

"(3) The Board for Grand Cayman shall consist of a Chairman to be appointed by the Governor from among the members of the Executive Council, a deputy chairman and two other members nominated annually by the Legislative Assembly, and one member nominated annually by the Governor.

(4) The Board for Cayman Brac and Little Cayman shall consist of the District Commissioner (Lesser Islands) as Chairman, two members nominated annually by the Legislative Assembly and one member nominated annually by the Governor".

I think that the Member the Honourable Third Elected Member of Executive Council mentioned was nominated previously by the Governor.

HON. TRUMAN M. BODDEN: With respect, Mr. President, the way I read this is that the nominations have to be made up of the deputy chairman and two other members, but it has 'members' in with a common letter (m), and I do not believe that it refers - from reading it, it does not say "nominated annually by the Legislative Assembly from amongst Members of the Legislative Assembly". I think the reference is probably (subject to your ruling, Sir) that we may nominate such members, whether they are inside or outside the Assembly. It may well have been traditional to nominate them within it, but .....

HON. D.H. FOSTER: Mr. President, I think it would be dangerous to nominate them from outside, especially without even asking their consent, but when the members are Members of the Assembly they know they are duty bound to serve on these Boards if they accept the nomination. I think it would be dangerous to change the precedent that has always existed.

HON. JAMES M. BODDEN: Mr. President, the Principal Secretary of Tourism, Aviation and Trade handed me a note saying that in Cayman Brac the past members were Capt. Keith Tibbetts and Capt. Sedley Ritch. I imagine that Capt. Sedley Ritch was appointed by Executive Council in the same position as Mr. William Reid was selected, therefore I would just move at this time then for Capt. Charles Kirkconnell for Cayman Brac.

MR. PRESIDENT: Do we still need a third member for Grand Cayman?

MR. CRADDOCK EBANKS: Mr. President, if I understood correctly, Mr. Norman Bodden was nominated, but I do not think it was seconded, but I will second it.

MR. J. GARSTON SMITH: I beg to second that, Mr. President.

MR. PRESIDENT: Do I take it that there is no need to re-nominate Capt. Ritch, that we are only nominating Capt. Charles Kirkconnell?

HON. DAVID R. BARWICK: He could be nominated for next year. His present appointment may subsist for a little longer, but ....

MR. PRESIDENT: Sorry, I have not understood the Member.

HON. DAVID R. BARWICK: Capt. Ritch's appointment may subsist only for say, until March, and we are now dealing with the Board for next year, Sir. I do not know what his term of appointment is, but I am just pointing this out.

HON. TRUMAN M. BODDEN: Mr. President, with respect, this reads under subsection (4) of Section 4 that - "The Board for Cayman Brac and Little Cayman shall consist of the District Commissioner (Lesser Islands) as Chairman, two members nominated annually by the Legislative Assembly and one member nominated annually by the Governor". With respect, Sir, I think this House has to nominate two people, whether they are from within the House or not within the House.

MR. PRESIDENT: In that case we still need one more name.

HON. D.H. FOSTER: May I ask the Third Elected Member of Executive Council who were the three members from Cayman Brac for last year, Sir?

HON. JAMES M. BODDEN: I never sat on that Board, Sir, so I really do not remember.

HON. D.H. FOSTER: Capt. Charles can you tell me?

HON. JAMES M. BODDEN: The nominated member was Capt. Dillon Kirkconnell.

HON. D.H. FOSTER: In which case then, Sir, it would be in order to nominate Capt. Sedley Ritch and Capt. Charles Kirkconnell, and then you in turn can nominate Capt. Dillon Kirkconnell again.

CAPT. CHARLES L. KIRKCONNELL: Mr. President, I think that we should not have Capt. Dillon Kirkconnell and myself on the same Board, I think it should be someone else.

MR. PRESIDENT: Well I can leave the Governor's nomination for a further deliberation.

The proposal is that the Members of the GRAND CAYMAN LIQUOR LICENSING BOARD should be:-

MR. W. NORMAN BODDEN
MR. CRADDOCK EBANKS
MR. J. GARSTON SMITH

and the LIQUOR LICENSING BOARD OF THE LESSER ISLANDS will consist of - (as far as the nominations by this House are concerned):-

CAPT. CHARLES L. KIRKCONNELL and
CAPT. SEDLEY RITCH.

If there is no further debate, I will put the question on the Motion that the Motion be approved, and that these nominees be appointed to the two Boards.

QUESTION PUT: AGREED. MOTION WAS PASSED.

ADJOURNMENT

MOVED BY: HON. D.H. FOSTER

QUESTION PROPOSED:

MR. PRESIDENT: If there is no debate, before I put the question I would just like to thank Members for the smooth proceedings this morning. I think it is a tribute to the House, and a continuation of the type of deliberations we have had through the years. I think other countries might well be proud of the performance such as we have had this morning. We have had a flying start to the next four years.

QUESTION PUT: AGREED. AT 12:54 P.M. THE HOUSE ADJOURNED SINE DIE.